INDEX TO THE

PARLIAMENTARY DEBATES

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Printed indexes to Hansard

This index is produced from the House of Commons Library's Parliamentary Information Management Services (PIMS). It contains references to all material in the bound volume of Hansard.

- At the end of the session a sessional index is produced containing references to material in the bound volumes for the whole session.

Indexes on the Parliamentary website

Volume indexes covering material from the beginning of the 1999/2000 session will also appear on the Parliamentary website at http://www.parliament.uk with links to the full text of Hansard.

SCOPE

The indexes include entries covering:

- The content of all material recorded in Hansard, including debates, procedural motions and questions.
- The names of all Members contributing to the Parliamentary business recorded in Hansard.
- The names of some types of Parliamentary business whenever they occur in Hansard. These are 'Ministerial statements', 'Business statements', 'Petitions', 'Opposition days' and 'Estimates days'.

ARRANGEMENT

- All headings are in one word-by-word alphabetical sequence, with Members' contribution entries distinguished from other entries by italics.
- Where a Member contributes to Parliamentary business and is the subject of Parliamentary business there are separate contribution and subject entries, the subject entry coming first.
- Entries beginning 'Mac' and 'Mc' are sorted in one sequence as 'Mac'.
- 'St', when abbreviated for Saint, is filed as 'Saint'.
- Numbers are filed as if spelt out, e.g. '10 Downing Street' as if 'Ten Downing Street'.

HEADINGS

Choice of headings

- *Specificity*—Entries summarise the overall content of a debate or question as specifically as the various PIMS thesauruses allow. For example, Education, Higher education, or the name of a particular university is used depending on the breadth of the item.
- *Name headings*—Specific entries are included for the names of people, places, institutions, organisations, committees, programmes, initiatives, publications and legislation when these constitute the overall subject of an item.
- *Organisations and subjects*—Organisation entries are preferred for material about the general performance, administration and staffing of an organisation (for example, Identity and Passport Service, Standards). Subject entries are preferred for what organisations do as part of their duties (for example, Passports, Fees and charges).

Geographical coverage

- *Subject headings*—Subject headings are assumed to refer to the whole of England, Great Britain or the United Kingdom unless otherwise stated.
- *Scotland, Northern Ireland and Wales*—Material relating to the whole of Scotland, Northern Ireland and Wales is indexed under these headings.
- *Places within the UK*—Material about specific towns, areas and institutions is entered under the name of the specific town, area or institution.
- *Foreign countries*—Most material relating to foreign countries is collected under the name of that country. Some additional material may be found under the names of—groups of countries, areas within countries, geographical features, place names associated with particular issues, politicians and heads of state, international bodies, and institutions and companies operating in those countries.
- *EC/EU material*—General material about the European Union and European institutions as bodies is entered under 'European Union' and the named individual institutions. Material about what the Union and institutions are doing or propose to do is entered under various subject headings beginning 'EC' such as 'EC environmental policy'.

Parliamentary material and business

- *Material about Parliament*—This is indexed under 'Parliament', the names of the two Houses, the 'Palace of Westminster' and parts of the Parliamentary estate (such as 'Portcullis House').
- *Committees*—Material about committees is indexed under 'Committees', types of committee (such as 'Select committees') and the names of individual committees (such as 'Home Affairs Select Committee').
- *Parliamentary proceedings/procedures*—Material discussing these is indexed under the specific type of proceeding (such as 'Parliamentary questions' or 'Oral questions'), procedure (such as 'Calling of Members') or issue (such as 'Unparliamentary expressions').
- *Legislation*—Entries for Parliamentary proceedings on bills and statutory instruments are entered under their titles. Where the lead word of the bill or statutory instrument does not provide a full or clear indication of the subject there are additional subject entries when the bill or instrument is debated. For example, debates on the 'Child Support Pensions and Social Security Bill' have entries under 'Pensions' and 'Social security benefits' as well as under the title of the Bill.
- *Members' names*—These are given in the form by which the Member prefers to be known.
- *Speaker and Chair*—Contributions by the Speaker and deputies are brought together under the heading 'Speaker and deputies'. Contributions from the chair during Committees of the Whole House are brought together under 'Chairman of Committee of the Whole House'. Significant rulings and statements (as opposed to routine comments) are indicated by the sub-heading 'Rulings and statements' in both cases.

Cross references

- *See* references indicate that all the material has been entered under another heading.
- *See also* references indicate that additional information may be found under another heading.

REFERENCES

- References in the indexes are to columns rather than pages.
- References to debates and petitions, but not questions, are accompanied by the date of the item.
- There are separate sequences in Hansard for the material taken on the floor of the House, Westminster Hall sittings, written statements, written questions and ministerial corrections:
    - References consisting of a number by itself indicate material taken on the floor of the House.
    - References ending in 'wh' indicate Westminster Hall sittings.
    - References ending in 'ws' indicate written statements.
    - References ending in 'w' indicate written questions.
    - References ending in 'p' indicate written petitions.
    - References ending in 'mc' indicate ministerial corrections. (Where a volume number is given, the correction appears in a later volume).
- References under all headings except the names of Members contributing to Parliamentary business and the titles of legislation are listed in one numerical sequence irrespective of whether the material is taken on the floor of the House, is discussed at a Westminster Hall sitting, is a written statement or is a written question.
- References under the names of Members contributing to Parliamentary business and the titles of legislation are listed in numerical sequence under the following headings:
    - *Chamber Debates* (which includes interventions and points of order as well as significant contributions to debates);
    - *Westminster Hall Debates* (covering all debates held as part of the Westminster Hall sittings);
    - *Written Statements* (consisting of ministerial statements issued in writing); and
    - *Questions* (which includes all written, oral and urgent questions).

ABBREVIATIONS

The following abbreviations are used in connection with the progress of bills:

- 1R = First reading
- 2R = Second reading
- Com = Committee stage
- Rep = Report stage
- 3R = Third reading
- res = resolution
- amendt(s) = amendment(s)
- * = matter taken formally without debate or division
- (HL) = Bill starting in House of Lords
- (SP) = Bill in Scottish Parliament.

Parliamentary background

- The Parliamentary website at http://www.parliament.uk contains a range of information about Parliament and the full text of some Parliamentary papers and proceedings including Hansard.
- Information on current Parliamentary business is provided in the House of Commons Information Office *Weekly Information Bulletin*, available on the website and from The Stationery Office (020 7873 8499).
- Further information on Parliamentary proceedings and procedures is available from the House of Commons Information Office (020 7219 4272).

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HOUSE OF COMMONS

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FIFTH SESSION OF THE FIFTY-FOURTH PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FIFTY-EIGHTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2009–2010

COMPRISING PERIOD
5 January 2010—14 January 2010

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5 January 2010

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE FIFTH SESSION OF THE FIFTY-FOURTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 11 MAY 2005]

FIFTY-EIGHTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 503**

THIRD VOLUME OF SESSION 2009-2010

House of Commons

Tuesday 5 January 2010

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

DEATH OF A MEMBER

Mr. Speaker: I regret to have to report to the House the death of David Leslie Taylor, Member for North-West Leicestershire. David was a highly assiduous, principled and independent-minded Member who respected the House and was respected by it. Truly, he was a House of Commons man, and I am sure that Members on both sides of the House will join me in mourning the loss of our colleague and in extending our sympathy to his widow Pam, his daughters Rachel, Sarah, Jessica and Catherine, his wider family and his many friends.

Oral Answers to Questions

JUSTICE

The Secretary of State was asked—

Drug Misuse (Prisons)

1. **Philip Davies** (Shipley) (Con): What recent steps his Department has taken to reduce the level of drug misuse in prisons. [308920]

15. **Mr. Shailesh Vara** (North-West Cambridgeshire) (Con): What steps his Department has taken to reduce the level of drug misuse in prisons. [308934]

16. **Ann Winterton** (Congleton) (Con): What recent steps have been taken by his Department to reduce the availability of illegal drugs in the prison system. [308935]

The Minister of State, Ministry of Justice (Maria Eagle): I begin by echoing your views, Mr. Speaker, on behalf of the House, and to say how sorry we are not to see David Taylor in his place today. As well as a valued colleague, he was a magistrate and an assiduous attender of Justice questions. I am sure that he will be missed on both sides of the House.

Drug misuse in prisons, as measured by random mandatory drug testing, has fallen by 68 per cent. since 1996-97. A comprehensive framework is in place in prisons both to reduce the supply of drugs and to provide drug treatment. Good progress has been made in implementing the Blakey recommendations to improve measures to reduce the supply of drugs in prisons.

Philip Davies: Our proceedings certainly will not be the same without David Taylor, and he will be missed on both sides of the House.

Given that so many drugs are brought into prison by visitors to prisoners, why do the Government not do more to encourage or make mandatory closed visits behind screens in order to stop drugs being brought into prisons?

Maria Eagle: Visitors are one means by which drugs and other contraband can be brought into prisons. We have a number of ways of making sure that we detect such things—for example, active and passive drugs dogs, random searches and intelligence-based action. We believe that that is the best way of identifying these difficulties. Where there is cause for concern, visits are closed, and they can be restricted in various ways, but it would be difficult, in keeping with our attempts to ensure that prisoners can keep in touch with their families, to impose such restrictions on all prisoners in every circumstance.

Mr. Vara: May I join colleagues who have expressed their sentiments about David Taylor—a true parliamentarian in every sense of the word?

With 20,000 prisoners on long-term methadone prescriptions and only 1,000 on an abstinence programme, have the Government got the balance right in their drugs programme in prisons?

Maria Eagle: It is perfectly legitimate to ask whether the balance is correct between methadone maintenance and other forms of treatment designed to cure drug addiction and get people drug-free. It is not the case, however, that all methadone prescription is about maintenance. The only people who get methadone maintenance treatment in prison are those with short sentences that would not allow a proper length of time for detoxification and removing them from drugs. It is important that we have a balance between different types and lengths of drug treatment, and appropriate treatment for each individual. Individuals can have low and high levels of dependency on drugs and we need treatments that will deal with all.

Ann Winterton: In an official report published last October, was it not a positive disgrace that the drugs trade in Wandsworth prison amounted to £1 million a year? Is it not time that, in a secure environment, this trade was stamped on and, as my hon. Friend the Member for North-West Cambridgeshire (Mr. Vara) suggested, longer-term prisoners are enabled to give up their habit completely?

Maria Eagle: I agree that longer-term prisoners should be detoxified and encouraged to become drug-free for life. That is what our policy is aimed at achieving in prisons. We have increased fifteenfold the funding for treatment to get people off drugs in prison over the past 12 years, so there are substantial improvements. It is always difficult to be precise about the value of an illicit trade, but we are implementing policies to prevent illicit drugs from being taken into prison by whatever method. We use drugs dogs and various technologies, including body orifice scanners, which will detect illicit substances being taken into prison. It is a constant fight, but I believe that we are winning it and we have to continue to do so.

John Mann (Bassetlaw) (Lab): I cannot think of any section of any business anywhere in my area or elsewhere that is as badly managed as the prisons. What is the Minister doing about poor management in prisons, so that the excellent prison officers can be given more support both in improving their morale and in developing the skills required to recognise and deal more effectively with drugs in prison?

Maria Eagle: I pay tribute this afternoon both to prison officers, who do a difficult and dangerous job, and generally do it well, and to prison managers, who do the same. They are all part of the same team, and I cannot accept my hon. Friend's analysis that one element of our staff is brilliant and the other is not. They are all our staff and they all do a brilliant job.

Paul Flynn (Newport, West) (Lab): May I add a word of sorrow about the death of David Taylor? He has left us a legacy, through his independence, courage and hard work, that will act as a model for all future Back Benchers.

My question about prisons relates to the experience of two of my constituents, whom the Prison Service had down as models of behaviour and success. They went in as drug users and emerged clean. Tragically, one of them lived for a week afterwards and the other for just a day. Is not the greatest danger for prisoners the point when they leave prison and go back to their old haunts?

Maria Eagle: My hon. Friend is correct in the sense that there are obvious dangers. Drug abuse and drug dependency tend to have the capacity to produce chronic and repeated relapsing behaviour among those who become dependent on drugs. There is a danger that having been detoxified, there can then be a difficulty, which is why for short-term prisoners who are in prison for only a few weeks methadone maintenance is appropriate. Such treatment can reduce the risk of infection from blood-borne diseases and prevent accidental overdose on release, as well as reducing reoffending. We need to have a wide range of policies that deal with all those issues and proper through-care, from prisons into the community, to make sure that people who come out of prison continue to have appropriate treatment in the community.

Stephen Pound (Ealing, North) (Lab): Further to the question raised by my old sparring partner, the hon. Member for Shipley (Philip Davies)—on whose birthday we congratulate him today—may I tell my hon. Friend that in my experience of prisoners nothing is more calculated and structured to encourage one to take drugs than lying around and doing nothing all day? Will she realise that education in prison is often the best cure for the problems that lead to the taking of drugs in the first place?

Maria Eagle: When my hon. Friend said he had a sparring partner on the Opposition Benches I wondered who on earth it might be.

Stephen Pound: All of them.

Maria Eagle: My hon. Friend is probably right.

I agree with my hon. Friend that participation in education provision is a tremendously important part of reducing drug taking and reducing reoffending when prisoners come out. Almost 40 per cent. of prisoners now participate in offender learning and skills, and 38 per cent. enter employment on release. That indicates a great level of success—greater than ever before in our prison system.

Mr. David Burrowes (Enfield, Southgate) (Con): Have the Government learned anything from their evaluation last year of the integrated drug treatment system? Senior prison staff criticised the Government's obsession with maintaining opiate users. They were

> "specifically concerned about the cocktail of illegal substances which prisoners may have access to during time in custody which may potentially be used combined with a daily dose of prescribed methadone."

Is that not a picture of a Government who have lost control of drugs in prisons, and given up on prisons and prisoners becoming drug-free?

Maria Eagle: No, I do not accept that analysis from the hon. Gentleman. It is fair to say that the drug treatment provided in prisons is clinically led under best practice arranged by the National Treatment Agency. It is the same inside prison as it is outside. It is perfectly legitimate for Members and others to question the balance of available treatment. I do not think there is a perfectly correct answer, so it is a good debate to have, but I do not accept in any way that the Government have lost control of drug treatment in prisons.

Voting (Service Personnel)

3. **Michael Fabricant** (Lichfield) (Con): What steps he is taking to ensure service personnel are able to vote at the next general election; and if he will make a statement. [308922]

The Minister of State, Ministry of Justice (Mr. Michael Wills): May I, too, express my sadness at the tragic loss of David Taylor? His integrity and independence will be much missed.

If there are any barriers hindering the participation of service voters in elections, we must remove them. To that end, we are introducing new registration awareness campaigns and targeted registration arrangements. We are exploring using supply flights to support postal voting by personnel in Afghanistan. We have set up a working group consisting of officials from the Ministry of Defence, the Ministry of Justice and the Electoral Commission, as well as representatives of the armed forces, to explore further improvements.

Michael Fabricant: Does the Minister agree that democracy needs to be exercised with responsibility? Will he therefore join me in condemning the crass and dreadful plans of Islam4UK to demonstrate against the Afghan war in Wootton Bassett, which would give so much grief and despair to the relatives of the fallen?

Mr. Wills: I agree with the hon. Gentleman. Anyone who has attended those repatriation ceremonies, as I have done, will have been humbled by the dignity and respect shown by the people of that town to those who have given their lives in the service of this country. Anything that displays anything other than the utmost sensitivity in such circumstances will, I think, be treated with repugnance by every decent person in this country—including, I should say, all those Muslims who serve so gallantly in our armed services.

Rob Marris (Wolverhampton, South-West) (Lab): Like you, Mr. Speaker, I shall miss David Taylor, a fellow Back Bencher of the year.

With reference to service personnel voting, will my right hon. Friend tell me whether any special steps are being taken in relation to the Territorial Army? There are particular issues there, with people being deployed overseas as well these days.

Mr. Wills: I thank my hon. Friend for that. We are looking at all service personnel whose deployment might mean that they are not able to exercise the vote to which they are entitled. It is very important that service personnel are registered and that they can exercise their vote. There are logistical problems in some areas of deployment overseas. We are exploring them vigorously and we have set up the working group. We will take every single measure that we can to make sure that service personnel can vote.

Mrs. Eleanor Laing (Epping Forest) (Con): The Minister always says that he is concerned about this subject. He has set up a working group, but it is too late. The Government changed the rules nine years ago to make it more difficult for service personnel to vote, and at the last general election 40 per cent. of service personnel were unable to vote. Only 60 per cent. of the people fighting for our country were able to express their democratic opinion. It is too late now. The Minister has come forward with kind words, working parties, promises and letters, but the Government have done nothing to make it easier for service personnel to vote. I am sure that at the coming general election, which we all hope will be soon, the situation will not be any better than it was last time, because the Government have taken no action.

Mr. Wills: I would be very happy to answer any question that the hon. Lady might have, but I did not hear one. She is wrong in almost every statement that she made. It is not the case that the Government have done nothing. As she well knows, we have extended the service declaration period from one year to three years, and it is to be extended again to five years. We have taken action already to make sure that our service personnel in Afghanistan are able to have an expedited service of postal voting. The hon. Lady well knows that the proxy vote system is available to every member of the armed services anyway, and we have taken other measures as well. Unlike the Government whom she supported, who for 18 years did nothing whatever to address the issue, we have set up a working group, including representatives of the armed services, to make sure that our armed services are able to vote.

Court Cases

4. **Mr. Laurence Robertson** (Tewkesbury) (Con): What percentage of cases brought to court were not pursued for administrative reasons in the latest period for which figures are available. [308923]

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): I, too, add my condolences to the family of David Taylor, who was indeed an excellent parliamentarian.

The court has no power to end cases for administrative reasons. From July to September last year, of the 45,500 magistrates court trials, 44 per cent. went ahead as scheduled, 38 per cent. were cracked—in other words, the defendant pleaded guilty on day one—and 18 per cent. did not go forward for a variety of reasons, the most common being that a witness or victim did not turn up.

Mr. Robertson: In expressing my sadness at the death of Mr. David Taylor, I draw the attention of the House to the excellent work that he did on flood prevention, which is a subject very dear to my heart.

I thank the Minister for that response, but does she agree that the figures that she gives are alarming? The 18 per cent. of cases which are dropped for whatever reason must represent a huge cost to the court, clog up the courts system and prevent the most serious cases from being considered in a timely manner.

Bridget Prentice: The hon. Gentleman makes a reasonable point: 18 per cent. is still too high. However, that figure of 18 per cent. is significantly down on the percentage seven or eight years ago. The figures then were 23.7 per cent. in the Crown court, down to 13 per cent. in the latest figures, and 31 per cent. in the magistrates courts, down to 18 per cent., as I have just mentioned. We are absolutely committed to reducing those figures further, and good case management is of course part of that process.

Mr. Henry Bellingham (North-West Norfolk) (Con): Surely the scandal is not just those criminals who escape justice through bureaucratic incompetence, but the cost to the legal aid budget. How much did aborted cases cost the legal aid budget last year? Has not the time come for the incumbent Director of Public Prosecutions to spend less time going around the country attacking Opposition policies and more time doing his day job organising proper prosecutions?

Bridget Prentice: I do not think that it is for me to comment on what the DPP says going around the country; that is a matter for him. If he has concerns about Opposition policies, perhaps it is right that he raises them so that people can then make a proper judgment. However, I say to the hon. Gentleman, again, that bureaucratic reasons do not stop cases going to trial. In the majority of cases, the reason is the unavailability of evidence, because either the victim or the witness does not turn up. That is regrettable, and if we can persuade people to turn up we will ensure that those who are brought to trial for serious criminal offences are dealt with and dealt with seriously.

Southview Probation Hostel

5. **Hugh Bayley** (City of York) (Lab): How many residents of Southview probation hostel in York have been returned to prison for (a) breaking the hostel's rules and (b) committing further offences in the last 12 months. [308924]

The Minister of State, Ministry of Justice (Maria Eagle): In the 12 months up to November 2009, out of the 110 offenders supervised at Southview approved premises, 27 were recalled to prison because their behaviour gave cause for concern and four were convicted of further offences, including one who was convicted of a serious further offence.

Hugh Bayley: It is good to know that hostel residents are returned to prison when they break the rules. My constituents are most concerned about the most dangerous offenders—people such as Richard Graves, who was convicted in November last year for a very serious offence committed while he lived at the hostel. He is now back in prison with an indeterminate sentence. What can the Government do to ensure that the courts make more use of indeterminate sentences so that serial offenders like Mr. Graves are kept in prison rather than in probation hostels?

Maria Eagle: The indeterminate sentence for public protection goes a long way to meeting some of the concerns that my hon. Friend has raised. That particular offender, Richard Graves, was in prison with a determinate sentence under the Criminal Justice Act 1991, and he was released on the last possible day that he could lawfully be held before being sent to approved premises where he was subject to serious licence conditions. He was being very closely supervised at MAPPA level 2, and even so he was able to offend further, as my hon. Friend has said. Mr. Graves will now not be able to leave prison until he can show that he has addressed his offending behaviour, and that is what will improve safety for the public. The fact is that, on his previous offence, he was able to leave prison before he had addressed his offending behaviour.

Miss Anne McIntosh (Vale of York) (Con): Does the hon. Member for City of York (Hugh Bayley) not highlight a very real problem with the MAPPA situation—that no one agency takes overall responsibility, that prisoners are not necessarily going to hostels, and that they are being allowed to reoffend? They should not be eligible for early release in those circumstances.

Maria Eagle: That man was not released early; he was released on the last possible day that it would have been lawful to hold him. The question is not about early release. MAPPA stands for multi-agency public protection arrangements, and the whole idea is that all agencies co-operate properly to ensure that somebody always leads in every individual case. The most recent figures indicate that 0.48 per cent. of people supervised under MAPPA level 2 and level 3 reoffended—they committed a serious further offence. That is a low level of reoffending. Obviously, it is a distressing level for those who are subjected to the extra offences, but it is a low level of reoffending given the very high risk of serious harm which those individuals present.

Land Registry (Croydon)

6. **Mr. Andrew Pelling** (Croydon, Central) (Ind): What recent discussions he has had with the senior management of the Land Registry on the closure of its office in Croydon. [308925]

The Minister of State, Ministry of Justice (Mr. Michael Wills): I have recently met those at the Land Registry several times about their transformation programme, which includes the proposed closure of five of their offices, including in Croydon. This programme is intended to put the Land Registry in the best possible position to deliver its services cost-effectively. The consultation is open until 29 January, and all representations will be considered.

Mr. Pelling: Does the Minister appreciate that 57 per cent. of the employees at the very professional Land Registry office in Croydon are aged over 46, which offers the prospect of the loss of a tremendous amount of experience at a time when the Government are expecting the economy to boom and therefore the need for the Land Registry greatly to increase?

Mr. Wills: I recognise those arguments. However, the hon. Gentleman may be aware that the transformation programme began in 2006. Of course, its impetus has been accelerated by the decline in the property market, which we all expect to pick up at some point—there is no question about that. What is fundamentally driving the transformation programme is a strategic change in the way that the Land Registry delivers its services in future. That is what lies behind it, not the current state of the property market.

Electoral System

7. **Kelvin Hopkins** (Luton, North) (Lab): If he will make it his policy to retain the current electoral system for elections to the House of Commons. [308926]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): David Taylor's death, as has already been indicated, was a profound shock to every Member of this House, to the whole of his constituency and obviously to his family. It is particularly poignant for my hon. Friend the Member for Luton, North (Kelvin Hopkins) and for myself, because we often joined David for dinner in the Members' Dining Room, where I, not least, was a recipient of his robust advice on what we had got right, which was usually a brief part of the conversation, and what we needed to do better, which was quite a lengthy part of the conversation. There has been much reference to his being a Back Bencher. He was a Member of this House following in its most honourable tradition of representing fearlessly his constituents. He will be very sorely missed.

The Government have repeatedly made it clear that no change in the electoral system for the House of Commons would be made without a decision of the British people in a referendum. We published a comprehensive review of voting systems in January 2008. In his speech at our party's conference in September last year, my right hon. Friend the Prime Minister said that he believed that there should be a referendum early in the next Parliament on whether to move to the alternative vote system for elections to the Commons, and we are giving consideration to how this can best be put into effect.

Kelvin Hopkins: May I say that I, too, am terribly shocked by my friend David Taylor's death? He was not just a colleague here but also a true socialist, and, I may say, a fellow native of Leicestershire too. I miss him greatly.

Does my right hon. Friend accept that the existing electoral system not only maintains the strongest possible link between individual voters and their Member of Parliament, but makes for the maximum possibility of electors choosing their Government, and not leaving it to post-election dodgy deals between parties?

Mr. Straw: That is one of the many merits of the single-Member constituency majoritarian system, and it is one of the reasons that has always led me wholly to oppose proportional representation, which is essentially a deceit on an electorate because manifestos have no value and the real manifesto is the subject of brokering after any election. That said, my hon. Friend will know that the alternative vote is also a majoritarian system. What we are talking about is a referendum in which there would be a great debate about which of two majoritarian systems would be most appropriate for this century.

Sir Nicholas Winterton (Macclesfield) (Con): David Taylor was a personal friend, and although he and I differed dramatically in politics, I admired him for his independence and his courage. Is the Secretary of State aware that if we move away from the present system of election to this House, the likes of David Taylor will become fewer and fewer in this House, and that is a reason why we should stick with first past the post?

Mr. Straw: I understand the point that the hon. Gentleman makes about the dangers of proportional systems. However, the Australian federal system uses a system of alternative voting, and there is no evidence that members of the Australian federal Parliament lack independence or readiness to speak their mind.

Mr. Parmjit Dhanda (Gloucester) (Lab): May I join everybody else in all parts of the House in expressing sorrow at the passing of David Taylor? He was a good friend and had many warm things to say over the years, and we will miss him.

Regardless of the electoral system, the votes will need to be counted. Does my right hon. Friend agree that the best way to count them in this country, as traditionally we always have, is on election night rather than on a subsequent day?

Mr. Straw: Yes. I have made very clear our preference for vote counting to take place on election night, and there has been correspondence between myself and the chairman of the Conservative party on that issue. By law it is a matter for returning officers to decide on, but we believe that there is no good reason in the vast majority of cases why counting cannot take place on election night as it has in the past. The reason-cum-excuse that has been offered is the need to verify postal votes. We all accept that need, but good returning officers are showing that they can do the necessary verification before the close of the count in respect of the vast majority of postal votes, not afterwards.

David Howarth (Cambridge) (LD): May I add my own personal sadness at the death of David Taylor? He was always here, he always had something interesting to say, and he was unfailingly kind and courteous. He will be very greatly missed.

Will the Secretary of State not acknowledge that first past the post has led to a series of Governments with big majorities in this House, but with barely more than a third of the vote? It is entirely possible that we will get another one this year. How does it help to restore public confidence in politics at this time of all times to have, over and over again, a governing party with very little support in the country, with the vast majority of the electorate having rejected that party at the election?

Mr. Straw: It is a feature of majoritarian systems, and always has been, that it is rare for there to be an absolute majority of voters in support of the Government of the day. The difference is that majoritarian systems ensure that the largest minority forms a Government. What the Liberals want is a system in which the smallest minority determines the Government. We know that from other countries, not least Germany, where the third party simply changed the Government of the day without there being an election to secure that change.

David Howarth: The Secretary of State is wrong even about whether the party with the largest number of votes always gets the largest number of seats under the present system. It does not. To call the system majoritarian when the leading party does not have a majority of the votes is rather a strange description. Is not the truth that both in 1997 and again in different words in 2001, the Labour party was happy to give the impression of being a reforming party, but as soon as it won the election under the existing system it reneged on its promises?

Mr. Straw: I remember exactly what we said in 1997, because the responsibility was mine. I never gave the impression of being someone who had suddenly had a Pauline conversion in favour of proportional representation, because I had not and have not. What we said was that we would establish a committee, quite properly, to examine new systems of voting. That committee duly reported under the chairmanship of the late Lord Jenkins, and the truth was that there was not a consensus for change, and had the matter gone to a referendum I think it would have been seen as a waste of public money. We now propose a choice for the British people that preserves the best of our system, and there is an opportunity for a great debate about whether we follow what the Australians have done, which in some respects has added to the robustness of their constituency-based system.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): May I invoke the spirit of David Taylor and offer my right hon. Friend some robust advice? Does he accept that the alternative vote system does not necessarily produce any more proportional an outcome than the first-past-the-post system? The only way in which that can be remedied is through top-up seats, but does he accept that they would inevitably create two classes of Member in this House? Is it not too much of a risk to go ahead with such a system?

Mr. Straw: I accept what my right hon. Friend says—

Mr. Edward Vaizey (Wantage) (Con): Sit down then.

Mr. Straw: I was going to add a gloss to it. On my right hon. Friend's first point, no one has ever suggested that the alternative vote produces a proportionate result. However, by definition, it requires each individual Member to be elected by at least 50 per cent. of those voting, and many see that as one of its merits. It avoids the problems of so-called AV plus, which would lead to two tiers of Members of Parliament. I think that that would be anathema, and would never gain the support of the British people.

Compulsory Transfer Agreements

8. **Mr. Philip Hollobone** (Kettering) (Con): With how many countries the UK has compulsory transfer agreements for the return of foreign national prisoners. [308927]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): Changes made in the Police and Justice Act 2006 have enabled the United Kingdom to ratify the Council of Europe's additional protocol and to negotiate bilateral agreements to provide for compulsory transfer of prisoners. Arrangements are now in place with 35 countries for transfers without consent. Negotiations with other countries are continuing. Since the change in the law was brought into effect, the starting point for all negotiations of prisoner transfer agreements has been on that basis.

Mr. Hollobone: May I suggest to the Secretary of State that progress has been pathetically slow, given that foreign national prisoners now make up some 13 per cent. of the prison population in England and Wales? Does it not give a hollow sound to the Prime Minister's pledge in July 2007, when he said:

> "If you commit a crime you will be deported from our country. You play by the rules or you face the consequences"?

Mr. Straw: I do not accept either of the hon. Gentleman's points. First, the proportion of foreign national prisoners in United Kingdom jails—he cites 13 per cent.—is much lower than that in the vast majority of European countries. For example, in France the figure is 19 per cent., in Germany 26 per cent., and in Greece and Austria 43 per cent. We are far better than most European countries at managing our foreign national prisoner population.

There are two aspects to the hon. Gentleman's question. One is about prisoners who are serving their sentences: we wish them to be compulsorily transferred out to serve their sentence abroad. The second is about deportations of so-called time-expired foreign national prisoners, whom the conventions do not affect. We have significantly increased the number of time-expired prisoners who are deported.

Alan Duncan (Rutland and Melton) (Con): I thank the Secretary of State for his reply, but even though few bilateral transfer agreements have materialised so far, are they not, in many cases, an example of shutting the stable door after the horse has bolted? How many foreign national prisoners who could or should be deported should not have been in the UK in the first place, but were here illegally, as a result of the Government's dysfunctional border policy?

Mr. Straw: I am happy to seek to provide the hon. Gentleman with an answer and lay it before the House. However, let me emphasise that we have greatly reduced the number of asylum seekers who come to this country—it is now around a third of the number with which I was faced when I became Home Secretary 12 and a half years ago. We have significantly tightened border controls—often with not much help from the Opposition on the practical policies that are required. We are also increasing year by year the numbers deported.

Voting Age

9. **Mr. William Bain** (Glasgow, North-East) (Lab): What recent assessment he has made of the merits of lowering the voting age to 16 years. [308928]

The Minister of State, Ministry of Justice (Mr. Michael Wills): The Youth Citizenship Commission's report noted that opinions were divided on lowering the voting age to 16. The Government are now considering the report and how to make progress on it.

Mr. Bain: I thank my right hon. Friend for that reply. Does he accept that, 41 years after the previous lowering of the voting age, there are powerful arguments for considering a further reduction to give the vote to 16 and 17-year-olds? Under the current system, some young people have to wait almost until their 23rd birthday to vote in a UK general election. Surely someone who is old enough to pay tax in this country, and old enough to join the armed forces, is old enough to exercise the democratic right to vote.

Mr. Wills: I am grateful to my hon. Friend. Of course he is right to say that there are arguments in favour of lowering the voting age, which is precisely why we asked the Youth Citizenship Commission to look at the issue. However, it found that opinion is divided, even among 16 to 18-year-olds. We have to proceed carefully. The only way that we can make radical changes in the voting age, as with anything else to do with the electoral system, is—as far as we possibly can—on the basis of consensus.

Departmental Staff Internet Usage

10. **Mr. Robert Goodwill** (Scarborough and Whitby) (Con): What his Department's policy is on the private use of e-mail and the internet by its staff during working hours. [308929]

The Parliamentary Under-Secretary of State for Justice (Claire Ward): May I add to the comments made by my colleagues, and offer my condolences to the family of David Taylor?

Private use of the Ministry's e-mail and internet systems during working hours happens only with the permission of line management. Such usage must be reasonable, and there is strict monitoring by Ministry of Justice IT services. Any use must not interfere with the performance of official duties. Staff are not permitted to access social networking sites for personal reasons; they may access such sites only for professional reasons, if they can provide a strong business case that shows they need to use those media to perform their roles—such as when somebody was impersonating my right hon. Friend the Justice Secretary on Facebook. It was important for MOJ staff to be able to monitor what he was allegedly saying.

Mr. Goodwill: It has been estimated that surfing the web in work time costs private business in the region of £624 million per year, and I suspect that that problem permeates most Government Departments and their agencies, too. May I commend to the Minister one possible solution to the problem, which has been adopted by Pindar, in Scarborough? That firm provides a separate work station, away from the rest of the work stations in the open-plan office, for private use—and that is the only place where private use can be made of the internet in work time.

Claire Ward: The hon. Gentleman makes an interesting suggestion. Actually, the MOJ controls very strongly, and monitors, the access that staff have to browse or surf the web. Within the central area of the MOJ headquarters there are some computers that have much freer access, and those are available for staff to use in their private time, such as lunchtime and before or after work. However, I will certainly make sure that the MOJ IT services find out about the company to which he refers.

Prison Population

11. **Mrs. Madeleine Moon** (Bridgend) (Lab): What recent representations he has received on reducing the prison population. [308930]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): My Ministry regularly receives many representations on prison matters. The Government have undertaken the fastest ever prison building programme, increasing capacity by over 25,000 places since 1997—around 3,500 are planned for delivery this year—during a period in which crime has fallen by a third.

Overwhelmingly, the increase in the prison population has been of adult male prisoners. Since the publication of the Corston review, the number of women in prison has decreased by more than 4 per cent. We are also endeavouring to increase the transfer of prisoners with serious mental health problems to the NHS secure estate.

Mrs. Moon: May I too add my comments on the very sad loss of David Taylor? I was a new member in 2005, and he was unstinting in his support, and in giving advice, support and a friendly smile as we moved around this place throughout the years.

Ninety per cent. of our prison population have a mental health problem, 70 per cent. have two or more mental problems, and 16 per cent. have up to four or five different mental health problems. A young lady in my constituency has been in and out of prison following offences occasioned by her mental health problems. What steps can we take to work with those mental health charities that are urging us to look at how we improve services—

Mr. Speaker: Order. I am extremely grateful to the hon. Lady, but we must make some progress.

Mr. Straw: About two years ago I established the Bradley review, which produced a series of important recommendations that we are now actively seeking to implement. My hon. Friend is right to say that a high proportion of offenders have mental health problems in one form or another. With the best will in the world, only those with the most serious mental health problems will be capable of transfer to the NHS secure estate, but we are now seeing, and have seen, much better collaboration between the prison medical services, which are now part of the NHS—that was a major reform that I introduced a dozen years ago—and the NHS outside, so that with luck, we can ensure that those with mental health problems do not fall into offending, and that if they do, they are better treated.

Mr. Dominic Grieve (Beaconsfield) (Con): On behalf of the Opposition Front Bench, may I join the Secretary of State in his expressions of condolence on the death of David Taylor?

The Justice Secretary was asked about reducing the prison population, but is not the principal tool that he has used one that has seen 70,000 criminals released early from prison under his watch? In the last three years, 40 convicted criminals avoided jail each week despite being assessed as at a high risk of causing serious harm to others. Is it negligence, incompetence or a concerted Government policy that is putting the public at risk?

Mr. Straw: None of those. I regret the fact that we had to introduce the early release scheme, but overall we have been far better at managing the prison estate and the prison population than ever happened in 18 years of Conservative Government: 3,500 prisoners were released in one go—I was in the House when it happened—in July 1997, conveniently just after a general election. There were also more escapes from close prisons per week in the early 1990s than there were last year in the whole 12-month period.

I hope that the hon. and learned Gentleman will tell us more about his plan to halve the number of prison places—

Mr. Speaker: Order. May I say to the Secretary of State that the hon. and learned Gentleman is under no obligation to do that?

Mr. Grieve: The Secretary of State engages in classic displacement activity. The figures that I gave him are his figures, and they happened on his watch—6,000 offenders who were assessed as being at high or very high risk of causing serious harm avoided jail. He says that there is no deliberate policy, but it cannot be sheer incompetence. Some 10,000 prisoners have absconded from prison under this Government, he has pressured the judges not to give prison sentences because he failed to provide the capacity, and now he is offering foreign prisoners up to £5,000 to leave Britain. Will he confirm that that is his policy and his creation, and that his Department will not tell us the total cost of that because it has called in the auditors?

Mr. Straw: I have never pressured the judges one way or the other on their sentencing. Indeed, we now have a transparent system of sentencing guidelines. The fact that the prison population has increased so much—by 40 per cent. since 1997—is a testament both to the fact that this House has toughened up prison sentences, at our instigation and with the Opposition voting against, and to the judiciary, magistrates and judges alike, speaking for the British public. That is a sensible policy, as opposed to a policy of seeking to halve the prison population, as the hon. and learned Gentleman has promised to do.

Topical Questions

T1. [308945] **Bob Spink** (Castle Point) (Ind): If he will make a statement on his departmental responsibilities.

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): As the Under-Secretary of State for Justice, my hon. Friend the Member for Lewisham, East (Bridget Prentice) announced in a written ministerial statement today, we have just published a consultation paper to require mortgage lenders to obtain a court order or the consent of the borrower before repossessing and selling residential owner-occupied homes. That would remove the so-called Horsham loophole. The latest figures show that more than 30,000 people across England were helped between October 2008 and September 2009 under court duty schemes. On average last year, four out of five people had the immediate threat of repossession halted following help from Government-funded court desks.

Bob Spink: Mr. Speaker, David Taylor was a personal friend. His hard work, his independence and his respect for this Parliament will be greatly missed.

Will the Secretary of State boost public confidence in the prison service by making prison regimes tougher, with more education and fewer drugs, and early release contingent on the prisoner's behaviour and the likelihood of reoffending? That would boost public confidence.

Mr. Straw: What we want to see is prison made effective. It is tough, and those who recognise the reality of prison would not want to spend a day inside. We have dramatically increased the resources available for education and, as my hon. Friend the Minister of State, Ministry of Justice, the Member for Liverpool, Garston (Maria Eagle) has said, we have significantly increased the resources for drug treatment. Prisoners on longer-term sentences have to prove, by their good behaviour, that they are ready for parole. Those on indeterminate sentences cannot be—and are not—released unless the parole board judges that it is safe for that to happen.

T2. [308947] **Mrs. Madeleine Moon** (Bridgend) (Lab): A Wales Audit Office report has concluded that specialist services such as in-patient and forensic mental health services have been poorly managed and controlled in Wales. What steps can we take to ensure that mental health services provided in Welsh prisons for young people and children are vastly improved?

Mr. Straw: We can do a good deal. As I have mentioned already to my hon. Friend, we are implementing the Bradley report. Dealing with prisoners who have mental health problems is very challenging for all concerned, but we are in no doubt about the priority that we attach, and which has to be attached by all prison establishments, to doing it.

T3. [308948] **Mark Hunter** (Cheadle) (LD): Wolstenholmes, a law firm first established in 1818 and based in my Cheadle constituency, was closed down last week by the Solicitors Regulation Authority. There is now an ongoing investigation into claims of dishonesty and account irregularities. Not surprisingly, many residents have contacted me, extremely concerned about documents and moneys held by the firm. Can the Secretary of State reassure my constituents that their documents and money will be safe, that they will be fully compensated as appropriate, and that there will be a full investigation into the circumstances?

Mr. Straw: I am happy to arrange to meet the hon. Gentleman. I understand the anxiety that will obviously be caused to former clients of Wolstenholmes in that situation. I am also happy to go through with him what we, and the Solicitors Regulation Authority, can do.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): May I refer the Minister of State back to his earlier reply about the reduction of the voting age to 16? I suggest that he look at earlier attempts to extend the franchise—for example, to non-property-owning men, and to women—and consider whether it might not be better to rely on democratic principles, rather than simply on a referendum among those who already have the vote.

The Minister of State, Ministry of Justice (Mr. Michael Wills): Of course I am happy to take the historical reference, but I think that my hon. Friend will be aware that all the data show that, even among 16 to 18-year-olds, there is a profound division of opinion about whether the voting age should be lowered.

T4. [308949] **Mr. Ben Wallace** (Lancaster and Wyre) (Con): With the ever-growing tempo of operations, more and more veterans might find themselves in custody. Her Majesty's Prison Lancaster Castle has, under its own steam, started an initiative for supporting veterans in custody, through which it tries, across the north-west, to link veterans with agencies. The Minister with responsibility for veterans, the Under-Secretary of State for Defence, the hon. Member for North Durham (Mr. Jones), has been very supportive, but at the end of the day the money required comes from the Ministry of Justice. Will the Secretary of State agree to consider its proposal and see whether the small amount of funding required for the pilot scheme could be within his gift?

The Minister of State, Ministry of Justice (Maria Eagle): I am very happy to look into what the hon. Gentleman says about Lancaster. Like many of us throughout the House, he is concerned about veterans of our armed forces ending up in custody. We have just completed a joint data-matching exercise with the MOD to identify the number of veterans in custody. The results show that 3 per cent. of the prison population have served in the armed forces. That will inform our policy development and enable us to provide greater support. We are providing new training for prison staff covering best practice, advice and support for veterans, and information on accessing specialist health treatments. However, I am more than happy to look into the particular instance that the hon. Gentleman has raised.

Tom Levitt (High Peak) (Lab): As the assistant to the Minister for the East Midlands, I add to those of others my condolences to the family of David Taylor.

The Secretary of State will recall visiting Buxton magistrates court in September 2008, when he saw the terrible conditions under which magistrates, staff and others had to work. He will be pleased to know that the refurbished court reopened last week and that magistrates have expressed their satisfaction with it. However, we still need, at some point, a purpose-built court to serve the whole of High Peak. I would be grateful if he could tell me that this aspiration is still at least on the table.

Mr. Straw: I do indeed remember visiting my hon. Friend's constituency, not least the magistrates court, which was in a poor condition. I am glad that, as a result of the representations I received then from him and those in the Court Service, we were able to do something about it. The proposals for new court buildings, which include some in my own constituency, are on the table, but some have had to be deferred because of the tight financial situation, which affects my Department.

T5. [308950] **Mr. Desmond Swayne** (New Forest, West) (Con): There is a widespread and growing perception that community punishments are a soft touch, which is reinforced by the number of miscreants who simply absent themselves, apparently with impunity. What are Ministers going to do to ensure that community "punishments" are exactly that?

Mr. Straw: Community punishments used to be a soft touch. When I became Home Secretary some years ago, it was almost voluntary as to whether offenders—or perhaps I should say miscreants—turned up for their punishment. One of the other reasons why there has been such a large increase in the prison population is that we have toughened up the breach arrangements, so that if offenders fail to turn up for their appointments with the probation service, or for unpaid work, they can be, and are, sent to jail. I am glad that that is happening. We have also toughened up the perception of community punishments, not least by requiring that offenders on unpaid work wear high-visibility jackets, and by asking the public what kind of work they wish those offenders to undertake.

Mr. Speaker: Order. May I gently say to the House that what should not be voluntary is the requirement for short questions and short answers, if we are to maximise the progress down the Order Paper?

Mr. Stephen Hepburn (Jarrow) (Lab): May I ask the Justice Secretary what advice he has offered the Prime Minister on the issue of pleural plaques?

Mr. Straw: A good deal. This is a difficult issue and involves potential expenditure by a number of Departments, but consideration by Ministers continues.

T6. [308951] **Mr. Edward Vaizey** (Wantage) (Con): Does the Secretary of State agree with Sir Hugh Orde that his recent remarks about lazy police officers were not constructive and do not reflect the hard work and dangers that many police officers face? Has he not added insult to injury, having already cut police pay?

Mr. Straw: What I was seeking to do—I will send the hon. Gentleman a signed copy of the transcript of my interview—was to say what I hope every Member of the House understands, which is that for a given level of resources, some parts of the same public service do very much better than others. That is true for the health service, the courts and the prisons, and it is also true for the police service. I know that from my long experience—and interestingly, much of what I said was endorsed by a number of police officers, who understood what I was saying. I am a 100 per cent. supporter of the police and what they have done to reduce crime. That cannot, however, prevent us from saying, "This service is doing well; that one's doing less well. Why is there a difference?"

Mrs. Ann Cryer (Keighley) (Lab): May I just say how very much I appreciated David Taylor's presence in this House, including in the Dining Room? We will all miss him a great deal.

Has the Justice Department examined the comparative costs and reoffending rates between keeping drug addicts in prison and providing residential accommodation with detoxification and rehabilitation facilities?

Maria Eagle: Over the past few years we have tried to ensure that drug treatment is available at the same level inside and outside prison, so that individuals can get the treatment suitable for their particular addiction problem, whether they are inside prison or out in the community. We have made great strides in ensuring that that is now possible.

T7. [308952] **Simon Hughes** (North Southwark and Bermondsey) (LD): In the light of the protests and the revelations by the National Association of Probation Officers, will Ministers now instruct their civil servants not to interfere in the drawing up of reports before sentence by probation officers—and in particular, not to ask people to exclude perfectly proper mitigating factors, such as the reason for the protest or the activity?

Maria Eagle: There have always been guidelines about how best to produce reports for the courts to ensure that the correct information is there. I am willing to consider any instance that the hon. Gentleman wants to draw to my attention, but it is certainly not the practice of the National Offender Management Service or of Ministers to interfere with precisely what should go into a particular report for the courts.

Chris Ruane (Vale of Clwyd): The Minister will be aware that under the Electoral Administration Act 2006, £17 million was allocated by his Department to the Department for Communities and Local Government to improve registration. That money was unhypothecated. Can he guarantee that the money that was sent for registration was spent on registration?

Mr. Wills: My hon. Friend will be aware that there are considerable variations in practice between electoral registration officers. Sadly, it appears that not all the money that should be spent on electoral registration is being spent on it. We have put measures in place to deal with that. My hon. Friend will be aware that we are determined to end the scandal of the 3.5 million people in this country who are eligible to vote but cannot do so because they are not registered—and we will.

T8. [308953] **Norman Baker** (Lewes) (LD): In the past few days there has been yet another suicide at Lewes prison. There have been far too many such cases in the past 10 years, and this seems to suggest a failure of duty of care at the prison, and a failure to deliver justice for the inmates through the courts. Will the Justice Secretary examine the circumstances of this particular suicide, and try to find out whether there are sufficient prison officers to handle the size of the population at that prison—and will he let me know the outcome of the investigation?

Maria Eagle: Each death in custody is examined carefully and closely by the prisons and probation ombudsman, and there will be the usual investigation in respect of this case. If the hon. Gentleman has particular points to make that he believes are of concern regarding the prison in his constituency, I would be more than happy to hear the details from him, and to take a close look myself.

Fiona Mactaggart (Slough) (Lab): I represent a constituency in which, two years ago, there was ballot stuffing—roll stuffing—by a Conservative local government candidate. Will the Ministry consider making resources available, on the basis of risk, to local authorities in which there might be a risk of ballot stuffing, in order to ensure that that does not occur in the forthcoming general election?

Mr. Wills: Of course we are always happy to look at any measures to deal with fraud. It is absolutely disgraceful when events such as those in my hon. Friend's constituency happen. Of course we will look at any concrete proposals. I want to reassure her that we are doing everything we can to combat fraud in our elections.

Sir Alan Beith (Berwick-upon-Tweed) (LD): Given that the Information Commissioner has today laid before Parliament a report criticising the Secretary of State's blanket veto on the release of Cabinet Committee minutes from 1997 relating to devolution, will the Secretary of State explain why those particular minutes were, in his opinion, an exceptional case, and why there were particularly pressing reasons to block their disclosure?

Mr. Straw: I set out the detailed reasons in a written ministerial statement, with appendices, which I laid before the House as I undertook to do. I am happy to provide the right hon. Gentleman with a copy. The fact is that section 53 of the Freedom of Information Act 2000 is a fundamental part of the scheme of the Act; it was on that basis that the Bill was agreed. The legislation provides for an appointed person to exercise a veto either after a commissioner's decision or after a tribunal. There is, however, no requirement in the law to wait for a tribunal decision.

T9. [308954] **Miss Anne McIntosh** (Vale of York) (Con): The Justice Secretary is aware of my concern about the growing incidence of shop theft. Will he therefore deplore the remarks made by the vicar in York in the build-up to Christmas condoning shop theft, as such remarks are contrary not only to Government policy but to the Bible?

Mr. Straw: They are also contrary to the ten commandments, as I recall—[HON. MEMBERS: "Those are in the Bible, too."] Indeed. I missed the hon. Lady's last point, because one of my hon. Friends was trying to offer me some gratuitous advice. Anyway, I agree with her in every particular.

Yemen

3.34 pm

Keith Vaz (Leicester, East) (Lab): *(Urgent Question)*: To ask the Foreign Secretary if he will make a statement on the situation in Yemen, including the closure of the British embassy and the position of British citizens in Yemen.

The Secretary of State for Foreign and Commonwealth Affairs (David Miliband): My right hon. Friend the Home Secretary will address all the security issues arising from the Christmas incident immediately after this. I will now address the broader picture. As my right hon. Friend the Member for Leicester, East (Keith Vaz) knows, the Government have been increasingly concerned about the situation in Yemen and about the number and scale of the challenges faced by the Yemeni Government and people. We believe that the increasing insecurity and instability in Yemen pose a threat to the Gulf region, to the wider middle east and to the UK.

Over the past 18 months, the situation has been a growing concern in the region and to Her Majesty's Government. Our cross-Whitehall discussions and close working with international partners led, in September 2009, to the development of a renewed UK country strategy for Yemen. This strategy is currently being implemented by Government Departments across Whitehall, including the Foreign Office, the Department for International Development and the Ministry of Defence. It covers four areas. The first is support for democratic political structures; the second addresses the causes of the conflict—so-called counter-radicalisation; the third relates to building the Yemeni capacity to tackle security and terrorism issues; and the fourth is directed at helping the Yemeni Government to deliver the functions of the state, onshore and offshore.

To strengthen further the international community's support for the Government of Yemen in meeting those challenges, the Prime Minister announced on 1 January that the UK would host a high-level meeting on Yemen later this month, and that will indeed take place. The meeting will focus on galvanising international support for Yemen's fight against terrorism and co-ordinating assistance to address the longer-term economic and social factors underlying radicalisation and extremism.

As a symbol of the Government's long-term commitment to Yemen, DFID signed a 10-year development partnership arrangement with the Government of Yemen in August 2007. The UK development spend is fully aligned to our Yemen strategy and to the priorities of the Yemeni Government's national reform agenda. We will spend about £25 million in fiscal year 2009-10; £35 million to £40 million in fiscal year 2010-11; and, dependent on progress on reform of state structures in Yemen, up to £50 million in 2011-12.

The Government of Yemen are embattled on four different but related fronts: first, the tribal rebellion in the north; secondly, separatism and separatist movements in the south; economic decline across the country, which is particularly important in the context of a near doubling of the population of Yemen that is foreseen in the relatively near future; and also the growing threat from Islamist terrorism in the form of Al-Qaeda in the Arabian Peninsula, which finds safe haven in Yemen. Urgent economic and political reforms are the only long-term solution to Yemen's problems, but continued instability distracts from the Government's short-term efforts to address these priorities.

As a result of ongoing security concerns, the British embassy closed earlier this week on a precautionary basis for two days. The embassy is now open and staff are back at work. Currently, however, the public services sections of the embassy—the visa and consular sections—are closed. This is under regular review and I discussed the issue with our ambassador in a video conference yesterday morning.

I should point out that it is not unusual for embassies to close during times of heightened tension. During 2009, the British embassy in Sana'a closed on more than a dozen occasions. We have different procedures from other nations for assessing the safety and security of our staff. It would not be right to comment on the specifics of this closure, but I assure the House that it is kept under regular review to ensure that services are maintained. The embassy in Sana'a maintains regular contact with the British community through our wardens network and by regular factual messages to the British nationals who have registered with the embassy.

Finally, the overall threat level in Yemen has not changed. As we make clear in the Foreign and Commonwealth Office travel advice, the threat from terrorism in Yemen is high and remains of concern. We continue to recommend against all non-essential travel to the country.

Keith Vaz: Thank you, Mr. Speaker, for allowing the question. I refer the House to the Register of Members' Financial Interests and to my personal interest, as I was born in Yemen and lived there for nine years of my life.

In welcoming the London conference, will the Foreign Secretary state precisely what additional support has been given to Yemen as a result of this recent initiative? Will he also confirm that all the money pledged to Yemen in London in November 2006 has been paid over? Can we stop referring to Yemen as a failed state? It has the capacity to fail if Britain, America and the nearby Arab states do not support it. Can we also make sure that the Foreign Secretary visits the country as soon as possible?

David Miliband: There are three parts to my right hon. Friend's question. First, the London meeting will not be a pledging conference, and I do not think that that is what is needed. However, as my right hon. Friend intimated in the second part of his question, some £5 billion was pledged at the London conference in 2006. A small proportion of it has been disbursed, in part because of concerns about how the money would be spent, but there are other issues. I understand that about 40 per cent. of it has been signed and 81 per cent. allocated to different programmes, although only a very small percentage has actually been spent.

In terms of my right hon. Friend's attempt to send me to Yemen, I cannot quite promise him that just at the moment, but the Minister of State, my hon. Friend the Member for Bury, South (Mr. Lewis), will be on a recce to Yemen next month. That will allow us to take forward the conclusions of the London meeting in an appropriate way.

Mr. William Hague (Richmond, Yorks) (Con): On behalf of the Opposition, I welcome the calling of a conference on Yemen in London on 28 January. I agree that Yemen is a fragile state—I think we should call it that, rather than a failed state—and that that matters to British security.

I want to ask three brief sets of questions. First, in view of the closure of our embassy, is the Foreign Secretary confident that the right level of consular support can be given to British citizens and officials in Yemen in the event of further closures of the embassy, and that plans are in place to offer them protection?

Secondly, following the announcement of additional US-UK support for a special counter-terrorist police unit and for the Yemeni coastguard operation, may we express the hope that those arrangements will be conducted better than Downing street has conducted US-UK co-operation on related matters in the last 24 hours? Specifically, will the support be purely financial, or will it involve actual assistance on the ground in the form of training? What is the time scale for its delivery, and when is the new unit expected to be up and running? Is this an exclusively US-UK initiative, or does it involve other countries and partners, such as Gulf nations, that may be prepared to work with us?

Thirdly, it should be recognised that Yemen cannot be viewed solely through the prism of an al-Qaeda problem. The Foreign Secretary rightly referred to a mixture of issues. Yemen's internal conflicts are fuelled by political grievances, poverty, corruption and competition over depleted natural resources, issues that require political leadership from the Yemeni Government as well as assistance from the international community. Can the Foreign Secretary assure us that all those issues will be addressed at the conference in January, and will continue to be treated as a priority by his colleagues in DFID? Will he do his utmost to ensure that there is a focus on the Yemeni Government's responsibility to work towards a political settlement in the country, and that we look to the longer term as well as to the immediate problems?

David Miliband: I am confident that the right procedures are being followed in terms of consular support for British nationals. As the right hon. Gentleman will know, there is a relatively small number of them, although the Yemeni diaspora in Britain is of long standing. There is a proud set of Yemeni communities, including, in South Shields, the oldest in Britain. There is obviously some need for consular support, but the ambassador has assured me that that is being dealt with in an appropriate way. The network of wardens that operates in many countries is there to alert us to any problems, but has not yet been notified of any.

The work that is taking place with the Yemeni authorities is more than paying out. The money includes finance for training, which has been an important part of the co-operation that is taking place. We will be discussing with a range of those attending the London meeting whether there is a way in which they could support the UK-US effort, and we will seek appropriate ways in which to use the skills and expertise that other countries can provide.

I was glad to hear what the right hon. Gentleman said about the breadth of the British programme in Yemen and the need to maintain it. The short term, the medium term and the long term are related. Most of the grievances that exist in Yemen are local rather than being related to the global jihad, and although al-Qaeda can try to find roots there, the vast bulk of the issues motivating Yemenis are what we would call bread-and-butter issues that a Government should be seeking to address. Certainly it is the prime responsibility of the Government of Yemen to do so.

Mr. Edward Davey (Kingston and Surbiton) (LD): Of course the actions of the Foreign Office in Yemen in closing the embassy and working with our allies in Yemen and the United States enjoy support across the House, but will the Foreign Secretary reassure us that, in supporting action against al-Qaeda in Yemen and elsewhere in the region, we are ensuring that local people are not inadvertently alienated by our actions and those of our allies? In giving military support and aid to the Yemenis, and in developing the cross-departmental strategy to which the Foreign Secretary referred, are we impressing on the Yemeni Government the importance of avoiding civilian deaths and of building a sustainable coalition against al-Qaeda across the whole country?

David Miliband: The hon. Gentleman makes an extremely good and important point, which is highly relevant, and let me say two things on that. First, there has been a very wide welcome across the Gulf, as well as within Yemen, for the fact that the London meeting will not be focused simply on counter-terrorism, because that might play into the sort of dangers to which he rightly refers. The incubus that is Al-Qaeda in the Arabian Peninsula must not become a rallying point for the people of Yemen, because they become the unwitting or unwilling victims of attempts to tackle the AQAP presence there.

Secondly, the hon. Gentleman is also absolutely right to insist that the economic, social and political issues at the heart of Yemen's development need to be addressed. I think that I am right to say that Yemen's oil wealth is likely to run out in 2015, and the dangers of water scarcity are very real. Those issues evidently are not amenable to a counter-terrorist solution, and require a much more deep-seated and effective role for government, supported by the international community. That is why the fourth priority that we mentioned—the functioning of the state—is so important to addressing those issues.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): The Foreign Secretary mentioned radicalisation; will he undertake also to have close talks with the Saudi Government? They have some programmes that may seem unorthodox to some western eyes, but that nevertheless seem to be working in the Saudi and Arab context. I think that we should learn from that.

David Miliband: My hon. Friend makes an important point. As it happens, the Saudi programme that was featured on this morning's edition of the "Today" programme is one that I visited last year in Saudi Arabia. It is a counter-radicalisation programme, rather than a radicalisation programme—that is an important point to make—and is extremely innovative. I met a failed suicide bomber—

Alan Duncan (Rutland and Melton) (Con): By definition—

David Miliband: Hence failed, but it is not a laughing matter, as he killed a lot of people in a market by blowing up a bomb in a truck that he was driving. He said that he did not know what its contents were and that he had been inveigled into driving the truck. He and a number of other people were going through that programme, which involved taking a comprehensive look at their lives, including in relation to religious instruction. A large number of innovative products are also available in terms of people's return to normal life after the programme. My hon. Friend is absolutely right to draw attention to this matter, and I congratulate the Saudi Government on how they are going about dealing with it. It is certainly something that we work closely with them on.

Tim Loughton (East Worthing and Shoreham) (Con): May I also declare an interest as an officer of the all-party group that visited Yemen a couple of years ago? I found some very impressive Anglophile Ministers there, who think that Britain has a key role to play in that country and who want us to play a key role. I also found that the electoral gains made there by radical Islamists were in the areas of greatest poverty. We clearly need to do more to eradicate the terrorists, but can we also do much more to eradicate and rehabilitate their breeding grounds?

David Miliband: I am sorry to sound like a stuck record, but the hon. Gentleman also makes an important point. I hope that the House can be united in making the point that those who allege in today's newspapers that we are wasting our money by spending development funding on anti-poverty measures in Yemen are wrong. The figures that I have read out are substantial by any stretch of the imagination, but the fact that they enjoy cross-party support is positive. He is right that if Yemen is to be prevented from becoming a more dangerous breeding ground for terrorism, it needs to develop the sort of life chances for people that he and I may take for granted.

Paul Flynn (Newport, West) (Lab): At an enormous cost in loss of British human lives, we joined America in its invasions of Iraq and Afghanistan. Before we commit even more human lives to another nightmare, should not we consider the possibility of having an independent British foreign policy?

David Miliband: We should certainly have a foreign policy that is decided independently by the Government and people of this country, but we should not have an isolated foreign policy that attempts to work on its own. I am proud that we are very close partners of the United States, European Union countries and a large number of countries in the Gulf, which are very concerned about the situation. The attention that we have been paying to Yemen in the past 18 months is in significant part a product of the growing concern, from 2008, of countries in the Gulf that wanted British help regarding their concerns about the situation in Yemen. We are not unwelcome helpers in Yemen, and we certainly are not trying to recolonise it. That is an important point to emphasise.

Mr. Bernard Jenkin (North Essex) (Con): Although I welcome this short discussion about Yemen, we are only having it because of al-Qaeda. Would it not be instructive if the Government were to produce a document about the international strategy against al-Qaeda, or hold a conference in London at which international partners could be invited to talk about that? That would be better than waiting for statements about other countries in which al-Qaeda is operating that may not be in the news at the moment.

David Miliband: The hon. Gentleman makes an important point, although I think that he would be one of the first to recognise that it is wrong to talk simply about al-Qaeda and not to distinguish between its senior leadership based in Afghanistan and Pakistan and Al-Qaeda in the Arabian Peninsula or in the Maghreb. There are distinctive issues related to al-Qaeda's senior leadership on the one hand and its so-called franchises on the other. They are certainly worthy of study and debate, and the more the better, as far as I am concerned. However, the hon. Member for East Worthing and Shoreham (Tim Loughton) made the good point that there was a meeting with parliamentarians on the situation in Yemen before the Christmas incident. The fact that there is a thriving all-party parliamentary group, chaired by my right hon. Friend the Member for Leicester, East, speaks for the close links that exist between Britain and Yemen, and long may they continue.

Mr. Paul Goodman (Wycombe) (Con): Given that a significant proportion of terror offenders turn out to have been radicalised towards extremism here in Britain rather than in Yemen or elsewhere, should not the Prime Minister also consider calling a summit on the radicalisation towards extremism and terror that takes place here?

David Miliband: That is exactly what the Prevent strategy has been founded on over a number of years. A large number of meetings—I do not know whether they qualify as "summits"—have been held within Government and around the country to address precisely this issue.

Sir Nicholas Winterton (Macclesfield) (Con): I agree with the Foreign Secretary about the importance of aid in removing what I call the "scourge" of the spots where terrorism can spring up, but my right hon. Friend the shadow Foreign Secretary described the Government of Yemen as fragile. Will the Foreign Secretary tell the House just how widely supported the Government of Yemen are among all the people, bearing in mind the tribal conflicts in the north and the separatist movement in the south?

David Miliband: Far be it from me to be a lawyer for the right hon. Member for Richmond, Yorks (Mr. Hague), but in his defence—or at least in explanation of his position—I think that he said that Yemen was fragile, and not its Government. The hon. Member for Macclesfield (Sir Nicholas Winterton) will know that President Saleh is in his second term of office, and that the constitution prohibits him from running for a third term. Parliamentary elections in Yemen are due in 2011, and they will clearly be a massive challenge. One issue that will need to be addressed is precisely those democratic elections and people's ability to express their opinions in them. However, the number of Yemenis who are committed to violence—whether through the Houthi movement in the north or the secessionist movement in the south, and still less through links to al-Qaeda—are a very small minority.

Mr. Ben Wallace (Lancaster and Wyre) (Con): All over the world—in Afghanistan and Pakistan and next door in Somalia, for example—our armed forces and aid budgets are stretched. Why has Britain, or perhaps the Prime Minister, chosen to take a lead in Yemen, when our resources are so stretched? Might it not be time to let the US or our other allies take a lead with regard to Yemen? Is it perhaps not a country too far?

David Miliband: So much for an independent foreign policy. First of all, this country has a long-standing history with Yemen, and I think that that gives us an important role there. Secondly, we are in a group of pre-eminent donors that includes the United States, the Germans, the Dutch and the Saudis, and indeed I spoke to the German Foreign Minister today. In terms of the stretch, we have been careful to make sure that, in our funding in Yemen, we spend only what we know that we are able to spend properly there. The hon. Gentleman is right that there is a range of other problems. In my view, the situation in Somalia is best addressed through the security work of AMISOM—the African Union mission in Somalia—but, on a political level, through the UN Security Council. The meeting that has been called and the other forms of co-ordination that are being established befit the situation in the Yemen rather better. History in Somalia is rather different.

Mr. Philip Hollobone (Kettering) (Con): The increase in international aid funding that Her Majesty's Government have promised pales into insignificance against what the oil-rich Arab countries on the peninsula could and should provide. Should not Her Majesty's Government make it clear to the countries on the Arabian peninsula that their priority should be dealing with potential problems from the Yemen, rather than spending millions of pounds on half-mile-high skyscrapers?

David Miliband: I am not sure whether it is the Government who are spending the money on the skyscrapers to which the hon. Gentleman refers, but he makes an important point. Some of the largest pledges at the 2006 conference were from Gulf countries, not western countries. It is important that those pledges are fulfilled. My right hon. Friend the Member for Leicester, East raised the question of which of those pledges had been paid, and that is a pertinent point.

The point of mentioning our aid programmes is not some vainglorious attempt to say that we have the biggest programme but to explain that there is a British commitment and it is proportionate to the sort of responsibility that we should bear. The hon. Gentleman is right to say that this is an issue that needs to be raised by countries of the region. I am pleased to say that in the past 18 months they have been doing so, and they have put us on alert about their needs.

Aviation and Border Security

3.55 pm

The Secretary of State for the Home Department (Alan Johnson): With permission, Mr Speaker, I would like to make a statement on the failed attempt to destroy a passenger plane at Detroit airport on Christmas day and its implications for national security. My right hon. and noble Friend the Secretary of State for Transport will make this statement in the other place.

On 24 December, Umah Farouk Abdulmutallab, a Nigerian citizen, travelled from Lagos to Amsterdam, where he boarded Northwestern Airlines flight 253 to Detroit. As the flight was approaching Detroit on Christmas day, he detonated a device that was strapped to his upper thigh and groin area which resulted in a fire and a small explosion. He was restrained and subdued by passengers and flight crew and he remains in custody in the US.

Authorities in the US, the UK, the Netherlands, Nigeria and Yemen are now doing everything they can to piece together Abdulmutallab's movements shortly before this attack, and are considering what urgent steps need to be taken to prevent further attacks of this nature.

It is an issue of grave concern that the explosive device was not detected by airport security in either Lagos or Amsterdam. As has been widely reported, Abdulmutallab attended University college London between 2005 and 2008, where he completed a degree in engineering. During this time he was known to the Security Service but not as somebody engaged in violent extremism. His family and friends have stated their belief that he turned to this during his time in Yemen.

From the information we have currently, it is not possible to chart with absolute certainty Abdulmutallab's exact movements after he left the UK in 2008. He is known to have spent several months studying international business at a university in Dubai and in August 2009 he travelled to Yemen, where he is thought to have stayed until December before returning to west Africa. He came to the attention of UK authorities again on 28 April 2009 when he applied for a multi-entry student visitor visa to attend an eight-day course provided by Discovery Life Coaching based in east London. The UK Border Agency refused his visa application because Discovery did not hold a valid accreditation with a UKBA-approved body and was not eligible to sponsor international students.

Since March 2009, only institutions which are either tier 4 sponsors or hold valid accreditation are permitted to bring in short-term foreign students from outside the European economic area. Universities and colleges must be able to demonstrate that they are offering genuine courses that will benefit students seeking to study in the UK. This new regime has reduced the number of institutions able to bring students to the UK from over 4,000 to approximately 2,000. Following the refusal of his application, Abdulmutallab's name was added to the UKBA watch list.

In the light of the serious questions that this incident has raised, I want to set out today, first, the immediate steps that we are taking to tighten aviation security, secondly, what measures we are taking to prevent radicalisation in our universities, and thirdly the actions we are taking to disrupt al-Qaeda in countries where it is known to be active, in order to prevent future terrorist attacks, and to improve co-operation with our international partners.

It is of great concern that Abdulmutallab was able to penetrate airport security at Amsterdam. The device he used had clearly been constructed with the precise aim of making detection by existing screening methods extremely difficult.

Abdulmutallab underwent a security check at Schipol airport in Amsterdam, as do all passengers transferring from Nigeria to another flight. Although Schipol airport is trialling body scanners, they were not in use for that flight. He passed through a metal detection gate, which would have detected objects such as explosive devices with metallic components, and knives and firearms. However, certain types of explosive, without metallic parts and which can also concealed next to the body, cannot be detected by that technology, which is the reason why airports also search passengers at random.

To defeat the terrorist threat requires constant vigilance and adaptability. A great deal of progress has been made in enhancing aviation and border security since 9/11; but terrorists are inventive, the scale and nature of the threat changes, and new technology needs to be harnessed to meet new threats, while minimising inconvenience to passengers.

Last year, we issued new public guidance to the industry on our technical requirements for screening and the detection of improvised explosive devices. The Prime Minister instigated an urgent review of airport security following the incident in Detroit. My noble friend the Secretary of State for Transport and I have been intensively engaged in the review, and we are today setting out our initial steps.

It is clear that no one measure will be enough to defeat inventive and determined terrorists, and there is no single technology that we can guarantee will be 100 per cent. effective against such attacks. Airport security is multifaceted and needs to adapt constantly to evolving threats. We therefore intend to make changes to our aviation security regime.

Air passengers are already used to being searched by hand, and having their baggage tested for traces of explosives. The Government will direct airports to increase the proportion of passengers searched in that way. There may be some additional delays as airports adapt, but I am sure the travelling public will appreciate the reasons behind this.

The Transport Secretary has brought into force new restrictions that tighten up security screening for transit passengers, and is reviewing the support we provide for security standards in airports operating direct flights to the UK. Passengers will see an increased presence of detection or sniffer dogs at airports to add to our explosives detection capability.

We also intend to introduce more body scanners. The first scanners will be deployed in around three weeks at Heathrow. Over time, they will be introduced more widely, and we will be requiring all UK airports to introduce explosive trace detection equipment by the end of the year. We are discussing urgently with the airport industry the best way of doing all this, which will include a code of practice dealing with the operational and privacy issues involved.

BAA has started training airport security staff in behavioural analysis techniques, which will help them to spot passengers acting unusually and target them for additional search. Beyond that, we are examining carefully whether additional targeted passenger profiling might help to enhance airport security. We will be considering all the issues involved, mindful of civil liberties concerns, aware that identity-based profiling has its limitations, but conscious of our overriding obligations to protect people's life and liberty.

These measures build on the substantial progress we have made in recent years to strengthen our borders. The roll-out of e-Borders, which will check passengers, including those in transit, against the watch list, will be 95 per cent. complete by the end of this year, and makes us one of only a handful of countries to have the technology that can carry out advanced passenger data checks against our watch list before people travel to the UK. Those who apply for a visa—whether they do so from Bangkok, Lahore or Pretoria—have to provide fingerprints and their records are checked against our watch list, which holds over a million records of known criminals, terrorists, people who have tried to enter the country illegally or been deported, and those who agencies consider a threat to our security.

Through the e-Borders programme and through screening passengers against the watch list, we have since 2005 made 4,900 arrests for crimes including murder, rape and assault. In addition, UK Border Agency staff based overseas working with airlines, prevented more than 65,000 inadequately documented passengers from travelling to the UK during 2009.

Abdulmutallab's failed attack highlights the importance of information sharing between the various agencies about people who pose a threat to our security. The UK watch list is managed by the UK Border Agency and incorporates intelligence from the law enforcement and the security and intelligence agencies into a single index. Nevertheless, although the integrated approach works very well, we want to see if we can further strengthen it. The Home Office will therefore be conducting an urgent review of the robustness of our watch list. The review will report to me in two weeks and, subject to security restrictions, I will report the findings to Parliament.

The House will no doubt be concerned about the possibility that Abdulmutallab's radicalisation may have begun or been fuelled during his time studying at University college London. It is important to remember that the values of openness, intellectual scrutiny and the freedom of debate and tolerance promoted in higher education are one of the most effective ways of challenging views which we may find abhorrent but that remain within the law.

However, we know that a small minority of people supporting violent extremism have actively sought to influence and recruit people through targeting learners in colleges and universities, and we must offer universities the best advice and guidance to help prevent extremism. As part of a measured and effective response to the threat, the Department for Business, Innovation and Skills has published guidance on managing the risk of violent extremism in universities, and is working closely with universities in priority areas to provide targeted support.

Alongside this, each university has a designated police security contact with which university management can discuss concerns. The Prevent strand of Contest, our

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counter-terrorism strategy, works closely with the higher and further education sectors and funds a full-time Prevent officer at the National Union of Students. As I have said, Abdulmutallab's family believe he turned to violent extremism after leaving the UK, but we need to ensure that this close co-operation continues in our efforts to stop radicalisation of young people in our colleges and universities.

Finally, I want to say something about our work internationally and the steps that the Government are taking abroad to disrupt al-Qaeda wherever they are active. Our success in tackling the international terror threat depends on strong relationships with our international partnerships. In our efforts to thwart al-Qaeda, we have a long-standing, productive partnership with the US.

I am not prepared to go into detail on this particular case about what was shared with the US and when. It is an established and accepted principle that we do not routinely comment on intelligence matters. Moreover, some of these issues are still current and are highly sensitive. However, I would like to clarify that although we did, in line with standard working procedures, provide information to the US linked to the wider aspects of this case, none of the information that we held or shared indicated that Abdulmutallab was about to attempt a terrorist attack against the US.

This morning, I met Jane Lute, the US Deputy Secretary for Homeland Security. We discussed how over the coming months, in the light of this failed attack, we will work together with other international partners to maintain public confidence in aviation security and deepen our partnership to disrupt al-Qaeda's activities overseas. Pushed out of Afghanistan and under increasing pressure in the border areas of Pakistan, affiliates and allies of al-Qaeda—such as Al-Qaeda in the Arabian Peninsula, the group claiming responsibility for the Detroit bombing—have raised their profile. With the failed Detroit attack they have again demonstrated their intent to attack innocent people across the world.

The aim of our counter-terrorism strategy is not just to reduce our own vulnerability, but to dismantle those terrorist organisations which pose a threat to the UK, whether at home or abroad.

Al-Qaeda will take any opportunity to exploit ungoverned space and instability. Whether the threat is in the Sahel, Somalia, Yemen, Pakistan, Iraq or Afghanistan, we must support Governments and work with partners to address both the threat of attack and the underlying causes of extremism and instability. We have been working with the Yemeni Government, as my right hon. Friend the Foreign Secretary just said, for a number of years, helping to improve their law-enforcement, intelligence and security apparatus, and to disrupt al-Qaeda and deny them a safe haven in Yemen for the future. We are also one of the leading donors on development in the country—our current commitment standing at £100 million by 2011.

We recognise the need to strengthen further our partnership with countries in the region and beyond so that we can co-ordinate our efforts against al-Qaeda more effectively and provide greater support for the Yemeni people to reject violent extremism. International co-operation is critical to meeting what is a global threat, and the coming together of the international community in London later this month to discuss Yemen will be an important step towards security in Yemen and across the globe.

It is important to reiterate that the incident was a failed attack on the US by a Nigerian national—someone who was refused entry to the UK and who, it seems, was radicalised after he left this country. However, there are lessons to be learned by the international community, and the measures that I have outlined will provide the UK with greater protection from terrorist attack. Along with our work overseas and with our international partners, enhanced airport security and more thorough collation of intelligence, we will be able to strengthen our efforts to tackle the root cause of violent extremism and reduce the threat of future attack.

Chris Grayling (Epsom and Ewell) (Con): I am grateful to the Home Secretary for providing me with an advance copy of his statement. I shall start with airport security.

We all accept that as we learn the lessons from the recent plot, happily an unsuccessful one, additional security measures will have to be taken. The use of more sophisticated scanning technologies is inevitable, although we will have to make sure that sensible measures are taken to protect privacy. However, the Home Secretary's statement is ambiguous about scanners, so will he clarify whether he plans to make full-body scanners compulsory at all UK airports? He talked about e-Borders, so will he also clarify the situation with the European Union over the use of the e-Borders project? Will there be European legal restrictions on the use of the e-Borders database?

We believe that it is necessary to take a more intelligence-led approach to airport security, as well as to watch carefully for suspicious behaviour by passengers, so the Government will have our support in taking prudent measures to protect passengers. Those matters of judgment must be kept under constant review, even if there is public attention only when the security measures are challenged.

However, the person who should be before the House explaining himself this afternoon is not the Home Secretary but the Prime Minister. Twice in three days the Prime Minister has been caught out making false claims about the contacts that have taken place between Britain and the United States over the airline bomb plot and the security threat to our airports. On Sunday he admitted to the BBC that supposed discussions between himself and President Obama about the bomb plot and the situation in Yemen had not actually taken place. Then, yesterday, he claimed that Britain had supplied to the United States in 2008 intelligence about the bomb suspect and his links to extremists—a claim that Downing Street now admits was untrue. This Government, the House will remember, have systematically misused intelligence data over the years, most notably in relation to the so-called dodgy dossier. Does the Home Secretary agree that it is absolutely unacceptable for the Prime Minister—the man who leads our Government—to exaggerate, mislead on or spin intelligence information, particularly when it relates to a terrorist threat?

The Home Secretary told the House this afternoon: "It is an established and accepted principle that we do not routinely comment on intelligence matters." Why did the Prime Minister and Downing street break that principle this week? Does the Home Secretary agree also that it is damaging to our most important intelligence relationship, with the United States, for Downing street to disseminate information in such an inaccurate and cavalier way?

The entire House will be relieved that on this occasion the bomb plot was unsuccessful. It will serve as a strong reminder to Governments across the world of the ever-present terrorist threat and the fact that we all need to remain vigilant about that threat as well as united in a determination to defeat it.

It is also worth saying that the threat from a small group of Islamic extremists in no way represents the views and beliefs of the vast majority of decent, law-abiding Muslim people in this country and around the world. People of all faiths have been victims of terrorists over the past decade, and we must all stand together against that threat. However, that task has not been helped by the actions of Downing street in recent days.

Alan Johnson: I regret the fact that the hon. Gentleman uses this very tense time to score cheap party political points. I saw lots of faces among those on the Conservative Benches looking appalled that this situation should be used to make a personal attack on the Prime Minister.

The hon. Gentleman made only three points that I believe are relevant to this issue. First, on the number of full-body scanners, we now need to work with the airline industry to decide how many of these scanners we can have and where we can locate them. As I said, we will have the first ready at Heathrow within three weeks. Thereafter, they will become much more widely available in terms of the capacity to manufacture them and put them in place and the need to get from the various airline companies their authority, agreement and input.

The hon. Gentleman talked about the EU situation. That was clarified just before Christmas when, thankfully, the Commission agreed that there were no Community issues about the transfer of information. That obviously still requires the countries transferring the information to agree their data-processing techniques, but there is no EU issue; that is what the Commission was originally looking at.

The third point was about our use of intelligence and our co-operation with the United States. As I said, the Prime Minister was absolutely right that we did share information with the US. We do not routinely comment on the nature of such information or the information itself. None of that information suggested that Abdulmutallab was planning a terrorist plot. Incidentally, as I mentioned, I met Jane Lute, the Deputy Secretary for Homeland Security, this morning, and she did not mention this matter at all. We spoke about the productive way we can work together to deal with these issues. There is absolutely no relationship in the world stronger than the relationship between the UK and the US, particularly on counter-terrorism, where we work closely together and will continue to do so in the light of this latest threat.

Chris Huhne (Eastleigh) (LD): I, too, thank the Home Secretary for early sight of his statement.

The Home Secretary's announcement that scanners are to be rolled out quickly at British airports is certainly welcome. However, his statement raises several questions. First, can he confirm that such scanners would have been effective in detecting the substances carried by Umah Farouk Abdulmutallab? Secondly, why has it taken him so long to act, given that these scanners have already been trialled and that four are reported to be in storage at Heathrow? Thirdly, will he respect those who may have a deep-felt objection to the scanners by allowing them to opt instead for a body-pat search, for example as part of his code of conduct? What assurance will he give that images of children and others will not be stored?

The Home Secretary opens the door to profiling, but what does this mean? If he means additional searches for those with suspicious travel patterns, then I am sure that I speak for everybody in this House when I ask who could object? But if he means stopping everyone who looks Asian, then I fear that he will alienate exactly those communities whose co-operation we need in the fight against terrorism. Which is it?

Then there is information sharing, which the Home Secretary really cannot dismiss by saying that the Government do not comment on intelligence matters, particularly in the light of recent events in Downing street. Can he confirm the account of a Downing street spokesman that Britain told US intelligence more than a year ago that the Detroit bomber had links to extremists? Can he confirm—this is not an intelligence matter—that the US was informed after that person was placed on a UK watch list? In the light of those contradictions and the open spat with our closest ally, what measures are the Government taking to improve liaison with the United States, or possibly with the Prime Minister's press operation?

Given that the Detroit bomber transited through Schiphol, were the Dutch authorities notified bilaterally of our concerns at any point? Had we shared our information with our European partners through either Europol or other routes, and what mechanism is there for one EU country to become aware of such intelligence on a suspected radical held or collected by another EU country? Do we routinely share information about our watch lists with our European counterparts even for passengers who are only in transit? In the light of the attempted attack, do those systems need to be improved?

Alan Johnson: On whether scanners would have been effective in relation to Abdulmutallab, the indications are that given where the PETN was placed, there would have been a 50 to 60 per cent. chance of its being detected. That is the view of most people who operate the scanners, so the scanners themselves are not the magic bullet. A British company, Smiths Industries, is developing the technology all the time, and we need the next wave of technology with explosive detection as well as body imaging to move ahead very quickly.

I do not accept that we took a long time to act. This happened on Christmas day, and over the Christmas period my colleague the Secretary of State for Transport has been discussing with the airlines the availability of equipment. There was one body scanner at Manchester and a number have been mothballed in Heathrow on a trial basis, but whether they are serviceable or need to be updated has been the subject of the conversation. Today's announcement is the earliest possible time to get moving.

[Alan Johnson]

The issue of privacy will be important, but all the images are destroyed immediately and the person responsible for the scanning is in a completely separate room, as anybody who has seen the system in Manchester or the version in Glasgow operating will know, so there is no immediate contact between the person doing the imaging and the person being imaged. Privacy considerations are important, but I believe that we can ensure that those who have concerns can be satisfied. I do not foresee a situation in which people can simply object to a body scan. We need to use the scanners perhaps not as the first line of our defence but as the second line, on a random basis.

The hon. Gentleman mentioned the important issue of profiling. I said in my statement that I recognised the sensitivities of that matter. Anyone can examine the case of Anne Mary Murphy in 1986, who was a pregnant woman inveigled by her Syrian boyfriend to carry a bomb on to a flight to London. She would not have matched any profile, and in the case of someone like Richard Reid the name would not have alerted anyone. Nevertheless, whether we can deal with sensitivity issues must be part of our consideration of any defence that we can find to address the gap in our defences that Abdulmutallab found, although he was thankfully unsuccessful. We need to consider profiling while recognising the concerns and civil rights issues involved.

We share information all the time on a routine basis, and the US shares information with us. We did not inform the US that Abdulmutallab was on our watch list having been refused a student visa, because the case was not conducted with any concern that he was coming over to commit a terrorism incident. It was an immigration issue, and we would not share such information routinely with the US. We share other information with the US, and we share it routinely with our European partners, although if there were concerns about terrorism we would not wait for a watch list and for the plane to be taking off. It is outside Europe that we have the problem; as the hon. Gentleman well knows, we have a close relationship within the EU, which means that we deal with such security issues straight away. We do not wait for people to come to an airport and try to get on a plane to another country.

Several hon. Members *rose—*

Mr. Speaker: Order. No fewer than 16 hon. Members are seeking to catch my eye. As always, I should like to accommodate everybody, and the numbers should be perfectly manageable. I simply remind the House that there are two further statements to follow, and I reiterate my usual appeal for each hon. Member to ask a single, short supplementary question and, of course, for the Home Secretary to provide us with an economical reply.

Keith Vaz (Leicester, East) (Lab): The Home Affairs Committee recently visited both Heathrow and Schiphol, and the Home Secretary is right to consult the airlines and be measured in his response. Of course, in principle, we should have the body scanners, but international co-operation is the most important aspect. I accept what he says about sharing information, but are there any more lessons to be learned about how we can improve the situation?

Alan Johnson: Doubtless there are. I recognise my right hon. Friend's expertise in the matter. In some countries, there are separate watch lists for security, for policing and crime, for people who have lost their passports and for immigration issues, but an integrated watch list serves us well. With e-Borders continually coming on stream, we can deal with the matter before the person has taken off. That is important, given that Abdulmutallab was not trying to enter a country, but to blow himself up before he landed. Whether he was in transit or his destination was this country did not therefore matter. We need to ensure the tightest possible control. Although it all worked well, I would be the last person to appear complacent. As the Prime Minister said, the incident is a wake-up call—every failed terrorist attempt must be picked to pieces so that we find anything that we can use to strengthen our defences. We intend to do that.

Mr. Ian Taylor (Esher and Walton) (Con): Terrorists watch very carefully the technology that we deploy. Does the Home Secretary realise that the term "scanners" covers a wide range of things? Some use millimetre technology; others use terahertz; some require one to go through a box, and others can scan remotely in airport lounges or railway stations. Will the Government please institute a research programme? Several British companies are involved in such research, but the Government never pull through new technologies. We need to stay ahead of the terrorists, not deploy after an incident.

Alan Johnson: The hon. Gentleman makes a valuable point. I do not accept that we have been slow in dealing with this. We are due to meet Smiths Industries shortly, and the document that Lord West, our security Minister, produced in August 2009 was specifically aimed at the scientific community and innovators to get things moving and find new ways to deal with such matters. It is important to stress that there is a great deal of British technology that we can exploit. We need to ensure that we get the right body scanners—that is one reason for talking to the airlines. The hon. Gentleman is right to say that there is a variety of scanners, and we need to use the most effective.

John Reid (Airdrie and Shotts) (Lab): I refer the House to my interests in the Register of Members' Financial Interests. I welcome in particular the way in which the Home Secretary emphasised that there is no magic bullet for solving the problems. I say that in the light of recent media comments, particularly about full body scanners, which still require standardised procedures, are still in trials and so on. A range of search procedures and technologies is required. Above all, as the hon. Member for Esher and Walton (Mr. Taylor) said, constant innovation in our thinking must be embedded in everything that we do. Will the Home Secretary therefore build on Lord West's good work and ensure that a partnership of the Government, academia and private industry is given more resources so that we can we stay ahead of the curve and the terrorists' thinking in introducing new ways of terror?

Alan Johnson: My right hon. Friend largely makes the same point as the hon. Member for Esher and Walton (Mr. Taylor). I agree with it. It is perhaps another reason for redoubling our efforts to stay ahead of the terrorists. We will not deal with the matter through body scanners alone. Every day, sniffer dogs come into the Chamber, looking for PETN. Behavioural detection is another method, but even with all the techniques we can use, we can never guarantee 100 per cent. safety—there is no magic bullet. However, a lot of people out there are willing to innovate, work and provide equipment and the technological capacity that can move us to the next level. That is the main lesson of Detroit on 25 December.

Robert Key (Salisbury) (Con): The Home Secretary is the lead on homeland security, but will he acknowledge the debt we owe to the Ministry of Defence personnel and the scientific civil servants working at defence science and technology laboratories at Porton Down in my constituency, and particularly at the Counter Terrorism Science and Technology Centre, who are responsible for the day-by-day innovation that goes on in science and technology? Will he talk to the Ministry of Defence, which has tremendous budget problems, to ensure not only that there is no cut in the defence budget as it affects Porton Down, but that quite the reverse happens? Porton Down should have all the resources it needs to counter terrorism.

Alan Johnson: The hon. Gentleman is a great advocate for Porton Down. I am talking to the Defence Secretary. This is a cross-Government initiative. All the relevant Departments are working together on this, using all the agencies at their disposal, Porton Down being one of them.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): Aviation is international. What new steps are being taken to link intelligence information with the best attainable system of security at individual airports?

Alan Johnson: My hon. Friend is the Chairman of the Transport Committee, and I know that she has taken a great interest in this issue. I talked to Jane Lute this morning—she is the US Deputy Secretary for Homeland Security—about the best way to have an international gathering to discuss the lessons emerging from this and we are still talking things through. There was a view that we should perhaps get a gathering of Ministers together next week in Brussels. Actually, the opportunity under the Spanish presidency, which is very interested in this matter, comes up in a few weeks' time. More and more we are centring on that as the opportunity to get Transport Ministers, homeland security Ministers and perhaps Defence Ministers together to talk about an integrated programme as to how we can act internationally.

My hon. Friend is absolutely right: this will not be solved by us nationally, by its very definition—a Nigerian coming from Nigeria through Holland to bomb Detroit has ramifications for a much wider set of countries. We need to deal with this matter internationally, which is what we intend to do.

Mr. Bernard Jenkin (North Essex) (Con): Who authorised the Downing street spokesman to brief so emphatically that information about the Detroit bomber had been passed to the Americans before the bombing?

Alan Johnson: I am not getting into who authorised whom to say what. What the Prime Minister said about us exchanging information with the US was absolutely right. As I said in my statement, none of that information remotely suggested that Abdulmutallab was planning an attack on Detroit.

Andrew Miller (Ellesmere Port and Neston) (Lab): One resource we could use better is the eyes and ears of the travelling public. Will my right hon. Friend consider creating a central reporting point for members of the public who spot lapses in security in airports from which they are travelling to the UK?

Alan Johnson: I will consider my hon. Friend's suggestion. Of course, there are plenty of opportunities for people to report such things. There was a programme over Christmas about the 999 emergency service being used spuriously, but certainly for anyone who has the slightest fear that there is a security problem, that is one course of action, and there are others. He makes a good point, and we will look at whether we can make it easier for the travelling public to report any suspicions they have.

Pete Wishart (Perth and North Perthshire) (SNP): As the Home Secretary is no doubt aware, the only UK airport to be subject to terrorist attack is in Scotland—Glasgow airport. Can Scottish airports therefore expect to be among the first in line for full-body scanners? Will he assure me that he will be working hand in glove with the Scottish Government to ensure that Scottish airports are as safe as possible?

Alan Johnson: I can assure the hon. Gentleman on both those points. We need to talk to the airlines about which airports are first. I believe that Heathrow will feature, given the huge amount of transit—we are talking about transit passengers as well because, as we should remember, Abdulmutallab was a transit passenger in Holland and was not searched properly—but other airports, including Glasgow, will be very much part of the discussion. Indeed, I believe discussions with the Scottish Government have already started.

Alan Keen (Feltham and Heston) (Lab/Co-op): We are obviously concerned today with the immediate threats, but may I pass on a warning to the Home Secretary from constituents of mine who have worked their whole lives in Heathrow airport, and the Unite union, that there has been talk of introducing competition between terminals? Will he ensure that security always comes before competition?

Alan Johnson: I can give that assurance, although I am not sure what my hon. Friend means about competition. Security, whether at terminal 1, 2, 3, 4 or 5, is the absolute priority, not competition between terminals.

Hugh Robertson (Faversham and Mid-Kent) (Con): In the wake of the failed bombing, many in the intelligence community have expressed concerns about the activities of schools—or karatus—in northern Nigeria and the role that they play in radicalising young men and preparing them for jihad. In the international strand of the Home Secretary's work, which he mentioned in his statement, can he confirm that those schools will be swept up in

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that and that he has had discussions with his counterparts in the Foreign Office to ensure that those schools are properly addressed?

Alan Johnson: Again, the hon. Gentleman makes an important point. Of course, Abdulmutallab himself went to a British school, but it is an important issue that I need to discuss with the Foreign Secretary to ensure that we are doing everything that we can, not just on airport security, but—as I said in my statement—to prevent radicalisation taking place in the first instance, whether in this country or abroad.

Fiona Mactaggart (Slough) (Lab): There have been some interesting proposals about investing in research on the technology required to detect terror. Although the Home Secretary acknowledged in his statement the risks of identity-based profiling, I am concerned that we will not have sufficiently robust research into the effects of such profiling on young Asian or Muslim men who think that they are expected to behave in a certain way and therefore think, "Why don't I?" Can he assure the House that robust research will be done on the potential consequences of identity-based profiling before any such proposal is introduced?

Alan Johnson: I can give my hon. Friend that assurance, but behavioural detection is different from profiling. Behavioural detection is used by British Transport police, who are trained in it, to observe individuals and how they act around uniformed officers as a preliminary to a possible search or questioning. On profiling, I recognise not only the sensitivities and civil liberties issues that were raised by the Liberal Democrat spokesman, but the possibility that the terrorists—who, as we have said, are one step ahead—will use our main weapon against them to their advantage by using people who do not fit the profile, such as pregnant women or old gentlemen like me. That is the other danger of profiling, and we need to be very careful. I am acutely aware of that, but it would be strange if, in response to Detroit, we did not thoroughly explore all the different elements and options—some of which may be discarded.

Mr. Ben Wallace (Lancaster and Wyre) (Con): This is a bit rich from this Government who year on year have cut the research budget that allowed our law enforcement agencies to stay at least one step ahead of the terrorists. When I developed the millimetre wave with the team at QinetiQ, before I came into this House, we had to go to the Americans to get the funding because the Government cut it. What concrete extra resources will the Home Secretary put into the further development of technologies and manning at airports to ensure that our borders are more secure?

Alan Johnson: I know that the hon. Gentleman has some experience in this field, but I just do not understand the criticism of this Government for what we have invested in science. The hon. Member for Esher and Walton (Mr. Taylor) is no longer in his place, but he has continually praised the Government for the 10-year science and innovation project and the fact that, when I was Secretary of State at the old Department of Trade and Industry, more than half of my budget was for science. It was also ring-fenced, which was frustrating at times because I could not touch it for other things. Criticise this Government for many things, but do not criticise us for our investment in science.

Mr. Parmjit Dhanda (Gloucester) (Lab): How will my right hon. Friend consult on and communicate any changes that are made in profiling? It is very difficult, because changes need to be made in a way that does not trigger people's knowledge that we are doing such things, but it is also important to avoid unnecessary community tensions.

Alan Johnson: I take my hon. Friend's point. There would be no benefit in even studying the use of profiling if we were not talking to groups representing different ethnic minorities in this country. We have to take them along with us on this. My hon. Friend the Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff) actually supports the use of profiling, and there will be different views in different communities and ethnic minorities. All I am saying is that it would be irresponsible not to look at whether profiling can play a part in strengthening our defences.

Mr. Philip Hollobone (Kettering) (Con): If we are to search people more thoroughly and introduce body scanners, we will need far more space and personnel at our airports. Given that most of our airports seem to be crammed full of duty-free boutiques, will the Home Secretary make it clear to airport operators that security matters have to come first?

Alan Johnson: I see an advantage for our alcohol policy coming up here. Perhaps the hon. Gentleman is inviting me to change the use of space at airports. This is one of the important discussions that we have to have with airport authorities and airlines: physically how we can do this properly with the minimum of inconvenience to the public and ensure that people can go about their daily business. That is an important part of these discussions.

Bob Spink (Castle Point) (Ind): May we have stronger action to deport immediately those people in this country suspected of promoting extremism and of becoming radicalised? May we include in that list those who would hold offensive marches?

Alan Johnson: We always keep such issues under review. As I said in my statement, it is important that we do not take action simply because people have views that we find abhorrent but which are not illegal. We are a democracy, and there needs to be proper debate on our university campuses. It would be totally counter-productive for us to be heavy-handed in that respect. Through the Prevent strategy we are strengthening institutions, helping individuals and providing information, facts and advice to those who want to counter some of these radical views. As part of that, of course, we deport, and seek to deport, lots of people; many are queuing up for deportation at the moment. However, in a democracy, they have their right to judicial review and to go to the European Court. All of that, of course, is important, but at the end of the day they will be deported, providing we have done our job properly.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): Given the strong links that Umar Farouk Abdulmutallab had with Britain, can the Home Secretary tell us whether, in due course, the British police will have an opportunity to question him, particularly with a view to ascertaining any continuing links that he might have with Britons and what those links are all about?

Alan Johnson: All I can say at this stage is that two Metropolitan police officers are working with the FBI in America on the case. As the hon. Gentleman will have seen on his television screen over Christmas, the police took immediate action in this country. We do not comment on current police operations, and we will have to wait for them to come to a conclusion. That might well involve the British police wishing to ask questions, but we will have to see how the operation goes.

Mr. Andrew Pelling (Croydon, Central) (Ind): I have had e-mails from constituents expressing concern about health risks and dignity as a result of the use of the scanners. Can the Home Secretary say anything on the public record to reassure people about such matters?

Alan Johnson: My understanding is that there is less radiation from a body scanner than from the flight itself. On privacy, as I have mentioned, we can probably think and do more, but at the moment all the images are destroyed immediately and the person operating the machine is remote from the person being scanned, which means that there is no face-to-face contact—they are anonymous while being scanned. However, it is difficult to get around the privacy issues, given where Abdulmutallab was trying to hide his explosives. If that is how terrorists seek to get around such issues, obviously we might have to be a little less delicate about privacy if we are to counter the threat effectively.

4

Copenhagen Climate Change Conference

4.44 pm

The Secretary of State for Energy and [illegible]mate Change (Edward Miliband): With permission, Mr. Speaker, I would like to make a statement about December's Copenhagen climate change conference, at which I represented the United Kingdom alongside my right hon. Friend the Prime Minister. Today I want to report back to the House and set out where we go next in the global battle against climate change.

Let me say at the outset that the outcome of Copenhagen was disappointing in a number of respects. We are disappointed that Copenhagen did not establish a clear timetable for a legal treaty and that we do not yet have the commitments to cuts in emissions that we were looking for. However, I also want to report to the House the significant progress that the accord agreed at Copenhagen marks and explain how we can build on the progress that was made.

The Copenhagen accord, which is available in the Library, was agreed by a group representing 49 developed and developing countries that together account for more than 80 per cent. of global emissions. The key points of the accord are as follows. It endorses the limit of 2° C in warming as the benchmark for global progress on climate change. Unlike with every previous agreement, not just developed, but all leading developing countries have agreed to make specific commitments to tackling emissions, to be lodged in the agreement by 31 January.

Also for the first time, so that we can be assured that countries are acting as they say they will act, all countries have signed up to the comprehensive measurement, reporting and verification of progress. On finance, significant commitments have been made by the rich world to developing countries. They include fast-start finance worth $10 billion a year by 2012, with a total of up to $2.4 billion from the UK, and specific support to tackle deforestation. In the longer term, the accord supported the goal, first set by the Prime Minister, of $100 billion a year of public and private finance for developing countries by 2020.

By any measure, those are important steps forward, but we know that the world needs to go much further. We need more certainty and a greater scale of ambition. So the urgent task ahead is to broaden, deepen and strengthen the commitments that were made in Copenhagen, drawing on the large coalition of countries that wanted more from the agreement. Broadening the commitments is vital. Forty-nine countries signing up to the agreement is not enough. To tackle the global problem, we need a wider group. The United Nations is seeking to persuade all countries to sign up to the accord, and the UK is determined to play its part in making that happen.

In addition, we must act to deepen the commitments on emissions made by countries across the world. Lord Stern has shown that if nations make the biggest emissions cuts in the range that they have put forward, we can be within striking distance of the two-degree pathway that we need, including with the peaking of global emissions by 2020. We know that that is in our economic as well as our environmental interests. Greater certainty about emissions is necessary to provide the strongest incentive to business, including through the carbon price. So we

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will work to persuade other countries that we all need to show the highest levels of ambition on emissions as part of the commitments that we make. For Europe, provided that there is high ambition from others, that means carrying forward our commitment to moving from 20 to 30 per cent. reductions by 2020 compared with 1990. We must also act to strengthen the accord, including by continuing our efforts to secure a legally binding framework. In taking on clear commitments and actions, we should recognise how far major developing countries have come in the past year. However, we must also seek to allay their concern that they will be constrained from growth and development by the demands of a legal treaty.

We must draw on the coalition between some of the world's richest developed countries and some of the world's poorest and most vulnerable developing countries, such as Ethiopia and the Maldives, all of which want a legally binding structure. Strengthening the accord also means that richer countries must make good on the promises made on fast-start finance and show that we can fully fund the longer-term goal of $100 billion, one of the tasks for the high-level panel on sources of revenue that was agreed in the accord.

Those efforts to make progress on substance must, in our view, be accompanied by reform of the process of decision making. The conference was held up by disagreements over procedure: which text negotiators should look at and whether, as in Kyoto, a representative group of countries could be formed to avoid having to discuss everything in a plenary of 192 nations. Those disputes about process meant that it was not until 3 am on Friday, the last day of a two-week conference, that substantive negotiations began on what became the Copenhagen accord. By then there was simply too little time to bridge some of the differences that existed. We need to find better ways of running the process of negotiation, so I welcome the UN Secretary-General's decision to look again at those issues.

We also welcome the decision by Chancellor Merkel to host a conference as part of the mid-year negotiations in Bonn, and we will work with the incoming Mexican presidency, which will be hosting the next conference in November. But dialogue and negotiations need to restart before June—something I made clear to Yvo de Boer, the executive secretary of the convention on climate change when I met him in London just before Christmas.

In looking back at Copenhagen, we must bear in mind that reaching agreement would inevitably be tough because we were seeking consensus among 192 countries. Like most ambitious efforts, it was always going to be difficult to succeed the first time round. However, we should not let frustration with the two weeks at Copenhagen—albeit justified—obscure the historic shift that this past year has marked.

I want to pay tribute in particular to the enormous effort of those in the UK, from the scientific community, civil society, British business and the general public, who have mobilised on climate change. Their ideas and energy helped to drive us forward over the past 12 months and during the Copenhagen conference itself. Let me assure them and the House that we are determined to strengthen and sustain the momentum behind the low-carbon transition in the UK. Building on our low-carbon transition plan, our world-leading policy on coal and our plans for nuclear, we will be making further announcements in the coming weeks and months on energy generation, household energy efficiency and transport. Following Copenhagen, as part of the work already ongoing on the road map to 2050, we are looking at whether further action is necessary to meet our low-carbon obligations, and we will report back by the time of the Budget. This will include looking at the advice of the Committee on Climate Change published last autumn.

Internationally, thanks in large part to the deadline of Copenhagen and the mobilisation behind it, every major economy of the world now has domestic policy goals and commitments to limit its greenhouse gas emissions, including the United States, China, Japan, Russia, Brazil, India, Indonesia, South Korea, Mexico, South Africa and, of course, the EU. Throughout the world, policy is now set to improve energy efficiency, to increase investment in low-carbon power, to develop hybrid and electric vehicles and smart grids, and to reduce deforestation.

So although Copenhagen did not meet our expectations, 2009 did see the start of a new chapter in tackling climate change across the world. This global shift might not yet have found international legal form, but scientific evidence, public opinion and business opportunity have made it irreversible. In 2010 and in the years ahead, this Government—and, I am sure, the vast majority in this House—are determined to ensure that we redouble our efforts to complete the unfinished business of Copenhagen.

Climate change remains the biggest global challenge to humankind, and it requires a global solution. We owe it to our children, their children and the generations to come to find it. The work has started, it will continue this year, and I believe that it will succeed. The fight against climate change will be won. I commend this statement to the House.

Greg Clark (Tunbridge Wells) (Con): I thank the Secretary of State for giving me advance sight of his statement, and for the briefing that he kindly gave me in advance of the Copenhagen summit. It is disappointing that the Prime Minister is not making this statement, however. He missed questions in the House in order to go to Copenhagen early, and it is surprising that he has chosen not to report to the House on what he accomplished there. The Secretary of State and I share the view that we need to see global action on climate change. If Copenhagen showed one thing, it was that the discussions should not end there, and that they must continue.

Before Copenhagen, we said that a rigorous deal should achieve three things. The first was a commitment to limiting warming to 2° C. The second was a clear focus on adapting to climate change and on finding a dependable mechanism to finance that. The third was urgent action to preserve the rain forests. On the first, the 2° C proposal was noted, as the Secretary of State said, but the accord is completely unclear about when emissions should be cut, and by how much. On the second, it is welcome that adaptation was so prominent in the discussions, but there is no clarity on the sources of finance. On the rain forests, there was once again discussion of the issue, but nothing that could be meaningfully described as a political deal, let alone a legal framework. By any objective assessment, therefore, Copenhagen was a flop.

The question is: how do we move on from here? I wonder whether the Secretary of State and the Prime Minister, in this statement today and their remarks before Christmas, have reflected deeply enough on the implications of the outcome of Copenhagen. The Prime Minister has volunteered to lead a global campaign to make the Copenhagen accord legally binding, but what precisely is it that he would make legally binding? The accord is essentially an agreement to disagree, defined chiefly by what is absent from it. It contains nothing to indicate the scale or the timing of the carbon reductions required of the world, or indeed of any particular country. Is it still the Prime Minister's intention to lead such a global campaign for ratification?

In the days after the conference, the Prime Minister said that the negotiations had been held to ransom by only a handful of countries, and that that must never be allowed to happen again. The Secretary of State clarified that this included China, but has he not missed a big point here? Does he not see that Copenhagen requires us to face up to what I think is an uncomfortable reality, so to blame China, India and other countries for wrecking a deal is futile because no meaningful global deal can be done without them? Do we not need to understand why these nations considered a real deal to be against the interests of their own people? This view is reflected in their insistence on including in the final text the declaration that

> "social and economic development and poverty eradication are the first and over-riding priorities of developing countries".

In other words, the implication is that attacking climate change ranks, for them, below these priorities.

This revealed preference on the part of India, China and other parts of the developing world cannot simply be overlooked or assumed away. *The People's Daily* reported that the Chinese Government would treat talks in 2010 on a binding global deal as a struggle over "the right to develop". Does the right hon. Gentleman agree with me that the central issue is now how cutting current and future emissions can be shown to be compatible with development? Does he agree that for developed and developing countries alike, becoming less dependent on fossil fuels, using energy more productively and damaging the environment less is a pathway that can enhance the prospects for economic development, for prosperity through trade and for the reduction of poverty? If he does, will he accept that we now urgently need a new politics of climate change—one that can convince both around the negotiating table, as it failed to do in Copenhagen, and in the court of public opinion that the action we must take to guarantee the stability of the climate in the long term is also in the interests of both rich and poor in the short term?

Does the Secretary of State agree that three shifts from how Copenhagen was conducted are required—first, the case for action should always be based on practical rather than ideological grounds; secondly, action must not be presented in sacrificial terms, but as a set of economic and wider opportunities; and, thirdly, leaders and Ministers must see it as their mission to persuade and to unify rather than to denounce and divide?

Edward Miliband: I slightly regret the tone of the hon. Gentleman's remarks. I welcomed the cross-party support for the Government's work at Copenhagen, from the hon. Gentleman himself and from those on the Liberal Democrat Benches—and, indeed, from the Leader of the Opposition and from the leader of the Liberal Democrat party. All of us who went to Copenhagen sought to get the best agreement we could and I believe that we can build on the accord that was reached. Petty and partisan remarks about my right hon. Friend the Prime Minister and others, however, really do not become the hon. Gentleman.

Let me deal now with the hon. Gentleman's specific points. On the question of the accord and whether there should be a global campaign for it, I believe it is necessary to seek to encourage more countries to sign up to it. It is not just me that thinks that, as the President of the Maldives, Prime Minister Meles of Ethiopia and a coalition of developing and developed countries signed up to the accord. It is not an agreement to disagree. I said clearly in my remarks that it is a matter of regret that the emissions reductions were not lodged at the time of the agreement, but they will be lodged by 31 January, and I hope that those will be targets. I mentioned all the countries that have targets and we can build on that, but perhaps the hon. Gentleman did not understand that these will be lodged as part of the agreement by the end of January. As I say, it is something on which we can build. That is my first point to the hon. Gentleman.

On the second point, of course developing countries emphasise the overriding importance of development. Indeed, the words that the hon. Gentleman cited were taken either from the Kyoto treaty or the Rio convention, which both emphasised the overriding priority of development for developing countries. I disagree with the hon. Gentleman's characterisation of how we talked about Copenhagen. When he or I talked about Copenhagen, we did not talk about it simply in sacrificial terms; we talked about it as being good for our economies. We did not talk about it simply in ideological terms either; we talked about what countries could gain from it and we talked about how it could unite rich and poor nations alike.

I am all for slogans about the need for a new politics of climate change and all that, although I will have to talk to the hon. Gentleman at some point about what that means. I think it best to build on the progress made at Copenhagen—although it was disappointing—and, more important, the progress made over the last year, and to use the opportunities that we shall have in the coming year to secure the agreement that we did not secure at Copenhagen.

Mr. John Prescott (Kingston upon Hull, East) (Lab): I attended the Copenhagen conference in my capacity as the Council of Europe's rapporteur on climate change. May I offer my congratulations to my right hon. Friend and the Prime Minister—as did many people at Copenhagen—on the leading role that they played in bringing about the Copenhagen accord? The Opposition clearly do not understand that, as at Kyoto, an agreement was reached in principle and the details will come later during years of negotiations. That is called the process of the United Nations. We did not secure a legal UN agreement because—as the House knows, and as I have constantly said—it was never possible to secure a legally binding agreement at Copenhagen. The matter will be decided in the negotiations.

May I ask my right hon. Friend, who will be involved in those negotiations, to take into account, as one of the criteria relating to burden-sharing, the principle of common

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but differentiated responsibilities? May I also ask him to recognise pollution as measured per tonne? In America it is 20 tonnes per person; in Europe it is 10; in China it is 5; and in India it is 2. If we take those issues into consideration, we shall be able to combine social justice, the eradication of poverty, and growth and prosperity, along with a greater chance of agreement.

Edward Miliband: I congratulate my right hon. Friend the former Deputy Prime Minister on the role that he played at Copenhagen through the Council of Europe, and, of course, on the role that he played at Kyoto. He speaks with great wisdom on these questions. Just as it would be wrong for Government not to admit the disappointment that was part of Copenhagen, it would be ridiculous for anyone in the House to deny that any achievement has been made in the last year. That, I am afraid, was the problem with what was said by the hon. Member for Tunbridge Wells (Greg Clark).

I agree with what my right hon. Friend said about burden-sharing and common but differentiated responsibilities. Many of us believed that we had already incorporated that principle, and indeed it is incorporated in the Copenhagen accord. I remind the House of the commitments that must be registered. In the case of developed countries, the commitment is to cuts in emissions; in the case of developing countries, including China and India—as is clear from the annexes to the agreement—it relates to actions that they are taking. However, my right hon. Friend is correct to say that common but differentiated responsibilities must be at the heart of both this accord and any future agreement.

Simon Hughes (North Southwark and Bermondsey) (LD): I thank the Secretary of State for his statement, and commend his efforts and those of the Prime Minister before and during the Copenhagen conference. However, is not the honest truth that many of the efforts made at Copenhagen were too little too late, and that the Copenhagen agreement will probably go down in history as one of the only occasions on which so many world leaders came together in one place to discuss one of the most important issues and came away with so little to show for it?

Do the Government not accept that there is no excuse for not having sorted out the procedural issues beforehand, and that there clearly was not enough political leadership during the months preceding the fortnight in Copenhagen? To ensure that there will be no more disappointing conferences and no more setbacks like that of last month, will the Secretary of State commit himself to ensuring that political leaders here and in the European Union will be engaged in all the steps of the process—all the interim meetings—rather than just leaving it to a glamorous, or in this case rather unglamorous, summit? If the United Nations Security Council can sit in permanent session, why cannot a United Nations climate council do so as well? If this is indeed the biggest crisis, there really ought to be a mechanism for dealing with it.

As a supporter of the EU, I am sad to have to ask why it appeared to be so ineffectual on this occasion. Why did it not play the card that it had promised, and say that it would raise its target to 30 per cent. at Copenhagen? That might have triggered a much better response elsewhere. Given that it did not do that, is there not now an opportunity for the United Kingdom to propose—and for Baroness Ashton, in her new role, to propose—that the EU set a 30 per cent. target for the new decade this month? That proposal could either be contained in the accord annexe submissions that must be in by the end of January, or be submitted at the first EU summit this year.

Why did the Commonwealth not play a more significant role? I am a huge supporter of the Commonwealth, whose fantastic diversity—ranging from the Maldives and Tuvalu to Canada, Australia and other countries—surely presents a great opportunity for countries to share their experience and be a real force for influence in the world. I hope that the Secretary of State will undertake to ensure that it plays a much bigger role in future.

What about the US and China? How are we going to get them to sign on a dotted line and be more ambitious?

Lastly, rather than what has been suggested in some of the post-Copenhagen comments in the British press—that measures on climate change response and emissions targets will make us uncompetitive in a competitive world—will the Government make it clear, as I know that the Secretary of State is committed to doing, that unless we get an agreement that binds everybody, we will miss the chance to have a sustainable future for all countries, not just ours? We will also miss the chance to have the sustainable jobs and sustainable, safe and secure energy on which the security of the world depends.

Edward Miliband: The hon. Gentleman asks serious questions that deserve serious answers. Let me go through them. On his question about process and why we got to the stage that we did, the mess of process partly represented big disagreements about substance, because there was concern among a number of developing countries about the notion of Denmark tabling its own text. Why did it take until 3 am on the Friday for the leaders' representatives from a group of 27 countries—representing 49 countries if the EU is included—to get together in a room? It was because the Danes were systematically prevented from tabling a text, because people kept saying, "We are not ready yet to go into a smaller room." The same thing happened at Bali and Kyoto. That was one reason why we did not bridge some of the divides—because by 3 am on the Friday there were less than 24 hours of the conference to go.

The hon. Gentleman's other points about procedure are important and correct. The notion that negotiators should be left to negotiate, even though they take instructions from Ministers, is insufficient. His notion that there should be some kind of permanent session is also an option that should be considered. It is very important that we do not leave it until June and the mid-year negotiations in Bonn to restart the whole process. The EU needs to use its commitment to going to 30 per cent. with comparable action from others. We need to build more of a consensus than we have in the EU at the moment to move to 30 per cent., but I think that the process of 31 January commitments is an initial stage in which the EU should seek to push others to higher levels of ambition, and should itself seek to be as ambitious as possible.

I disagree with the hon. Gentleman slightly about the Commonwealth, because it issued and pushed an important set of demands and requests regarding finance, some of which came through in the final agreement.

On the US and China, we want the deepest cuts from all countries, including the United States, but that is dependent on its legislation. It was willing to make an initial offer before making legislation, but the legislation that went through the House of Representatives was more ambitious than the offer that was made, so there is some hope there.

On the legal treaty and the attitude of certain developing countries, a process of persuasion is partly needed. They need to be persuaded that they have nothing to fear from the legal assurance that is, in my view, necessary. That argument has not yet been won, but there is a broad coalition of developing and developed countries that want the legal framework. That coalition is important and could help us in the months and year ahead.

Colin Challen (Morley and Rothwell) (Lab): I, too, was in Copenhagen, and it seemed to me that one issue behind the problems that emerged from the conference was the concern about where the relevant finance should come from and go to. The Government have rightly said that not more than 10 per cent. of our official development assistance budgets would be spent on climate change finance, but may I press my right hon. Friend to go further? Will he make a commitment that that 10 per cent. will not make up the whole of our climate change finance? Perhaps it should not, at any point, make up more than 10 per cent. of our total climate change finance. The people of Bangladesh want to know that we are not simply robbing Peter to pay Paul.

Edward Miliband: My hon. Friend speaks with great authority on these issues. He is completely right to say that we have made an important commitment to ensuring that the finance that we give will be no more than 10 per cent. of official development assistance, especially after 2013, and that there will also be additional sources of funds. He is also right to imply that we need to find revenue sources to meet our commitments. We know that promises have been made in the past: although the British Government have a good record of keeping promises, it is also necessary to find the revenue sources that can provide the flow of finance, and this is where the high-level panel that I said was being set up by Ban Ki-moon is important. In particular, we need to ensure that the $100 billion goal is not just set out but is actually met. We want the panel to report back by the time of the Mexico meeting, but we hope that it will do so earlier, for example by the middle of this year.

Mr. John Gummer (Suffolk, Coastal) (Con): The Secretary of State was right to say that the meeting was disappointing, and that is fundamentally because we do not have the confident arrangements in the world that would enable business, countries and companies to make decisions to promote mechanisms to reduce emissions. Britain's leadership in the industrial revolution means that we are responsible for a good deal of the climate change that is happening at the moment, so does the right hon. Gentleman accept that this is the moment for us to firm up on the commitments that we have made to green technology and a green future? Europe is also very responsible for today's problems, so should not Britain take the lead in ensuring that Europe firms up on its 30 per cent. pledge? More than that, should we not seek to create, as far as possible, the most encouraging atmosphere for business to do what it has to do? The leadership of business is crucial in this matter.

Lastly, does the right hon. Gentleman agree that winning people's hearts and minds means that we have to be very clear about the advantages of doing what is being proposed, and that we should not talk in puritanical terms about sackcloth and ashes? Only by showing people that this is a remarkable opportunity for this country, Europe and the world will they come and support us.

Edward Miliband: Let me take this opportunity to say that I know that the right hon. Gentleman has announced that he is leaving this House. We will miss his expertise and passion on these issues of climate change, and we wish him well in what he does next.

The right hon. Gentleman asked several specific questions, and I agree that the argument that we need to make is that there is much to gain from the transition to low carbon. We have made that argument already but we can do so more often, because the benefits include the jobs for people in this country and the new industries that will be created. That is true of what we in this country are doing with carbon capture and storage, and it is true in the renewables sector and across the board.

I also agree that Europe must demonstrate its leadership role by pushing others to do more. Part of the task that we face in the accord's pledging process is to ratchet up the commitments that people make. That is something that we will be working on intensively, including in Europe this month.

Barry Gardiner (Brent, North) (Lab): I commend my right hon. Friend for the very critical role that he played in the wee small hours, when the world's media had largely gone to bed, in ensuring that we came away from Copenhagen with something rather than nothing. Does he agree that one of the key areas in which progress can be made over the next 12 months is at national Government level? Should we not aim to align national Government policy and legislation with the GLOBE legislators forum principles set out in Copenhagen in November, before the main conference?

Edward Miliband: I agree with my hon. Friend, and thank him for his remarks about the role that I played in this difficult process. I think that GLOBE has played a very important role over the past 12 months, and that it will do so again in the future. Moreover, he draws attention to the fact that many of the targets that countries will enter into the accord will be domestically binding. Those targets will have gone through national Parliaments, and the new Indian Environment Minister has said that he wants to take legislation on India's so-called six national missions through his House. That is a big step forward, and it is important to emphasise the crucial role of legislators in this process.

Mr. John Redwood (Wokingham) (Con): Why are we in the northern hemisphere having such a very cold winter this year? Which climate model predicted that?

Edward Miliband: I can hardly believe that question, Mr. Deputy Speaker. The weather fluctuates, as anyone knows, and the notion that a cold spell in Britain disproves the science of climate change is something that I believe not even the right hon. Gentleman believes.

Harry Cohen (Leyton and Wanstead) (Lab): Was the delegate from Sudan right when comparing the failure at Copenhagen to a holocaust? Will not many millions be killed in this century as a result of higher temperatures and increased natural disasters including flooding and, indeed, in wars? Although the United States, China and, in my opinion, the developing world were at fault in not getting an agreement, why did the EU not put its best position on the table? What is that best position? Why is the money commitment to get the developing world on board so soft and unreliable? What are the Government going to do to strengthen that arrangement?

Edward Miliband: The remarks of the Sudanese delegate were reprehensible, as I said at the time. As I said in an earlier answer, there was not yet consensus in Europe that the commitments made by others were sufficient for Europe to move to 30 per cent. We think that Europe does need to move to 30 per cent. in the context of proper commitments from others. The process of people putting their targets on the table by 31 January is part of the process of Europe moving up.

My hon. Friend is right to refer to the commitments on finance. I would not quite describe them as soft because they are clear commitments from leaders in the accord, but we need to have extra confidence in them by establishing the vital revenue sources. That is why the high-level panel set up by the Secretary-General is so important.

Tony Baldry (Banbury) (Con): May I ask the Secretary of State a question as a vice-chairman of the all-party group on China? It was disappointing that China sought to strip out any language that would have led to Copenhagen being a treaty and to strip out any figures at all. How do the Secretary of State and colleagues in the Foreign Office see us now engaging China constructively in such a way that next time we come to this issue China engages in it rather more constructively and ambitiously?

Edward Miliband: The hon. Gentleman speaks with authority on these issues. China has moved some distance in the past two years on climate change. The very notion of a target—it set out a target of 40 to 45 per cent. reductions in carbon intensity—is important. We look forward to seeing what it lodges as part of the agreement on 31 January. We face a continuing effort, and we are determined to continue with it, to persuade China that a legal undertaking should give it confidence about others meeting their commitments, and that it will not face the constraints on growth and development that it fears. That is part of the persuasion that we need.

The new coalition that was evident at Copenhagen between the developing countries that are particularly vulnerable to climate change—I mentioned Ethiopia and the Maldives, but there were others including other small island states and African countries—is important. That coalition wants a legal agreement. We need to find ways in which that voice can be heard and to persuade others who are more reluctant that it is the right way to go.

Jeff Ennis (Barnsley, East and Mexborough) (Lab): My right hon. Friend will be aware that we are trying to establish what will probably be the largest carbon capture and storage project in Hatfield colliery in Doncaster in his constituency by 2015. How important is the achievement of that goal to the future economy of Yorkshire and to meeting our obligations under the climate change agenda?

Edward Miliband: I thank my hon. Friend for that question. It is very important that we make progress on carbon capture and storage, including in Yorkshire, where there are exciting plans to move forward on that process. It is also worth saying that internationally many countries are moving towards carbon capture and storage. Again, that is a change we have seen over the past couple of years; countries understand the importance CCS will play and the importance of making coal a clean fuel of the future.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I am very pleased that the Secretary-General of the UN recognised that there are procedural problems and I sympathise—even empathise—with the right hon. Gentleman in his task of a few weeks ago. Clearly a standing council would be one idea worthy of note, but in the meantime is the Secretary of State aware of the fact that some officials from developed countries are talking about pressing ahead with a smaller group of 20—a coalition of the willing for the climate? If that is so, should the UK not be taking part as well?

Edward Miliband: The hon. Gentleman raises an interesting question. My immediate response is no, in the following sense: we should stick with the UN framework, because the truth is that although it has its frustrations—not least the need to operate by consensus, and indeed, in some sense, unanimity—unless we get all countries bound in, we will have less chance of tackling the problem in the way we need to do. Our instinct, which I think is right, is to stick with the UN process and find ways of improving it, but not to go off in smaller groups, as that will not give people the assurance they need and it will not give us the environmental integrity we need.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): Like my right hon. Friend, I believe that the challenge that faces mankind is climate change, and I commend him for his work in Copenhagen. There is an enormous distance in moving from an accord to a legally binding agreement. How does my right hon. Friend see the development of steps towards that legally binding agreement? Although the UN is involved in a very positive way, there is still a need to keep that momentum. What steps does he see being taken to keep up the momentum towards a legally binding agreement?

Edward Miliband: My hon. Friend asks the most difficult question of all about how we proceed. It is important to restart the negotiations, because as I said earlier, if we leave it until June we shall find the same problem of being timed out as we found at the end of the conference. Two tracks are still operating under the UN framework—the Kyoto track negotiated among the Kyoto parties and the other track on long-term co-operative action. Those two tracks could still form the basis of a legal treaty, incorporating many points from the accord. The task for us is to restart the negotiations and find a way—it really comes down to persuasion—of reassuring the relatively small number of countries worried about a legal treaty that they can actually gain from one and that they have nothing to fear from it.

Mr. Graham Stuart (Beverley and Holderness) (Con): No one set out for Copenhagen looking for an accord between 40-odd countries, so it is more than disappointment—Copenhagen is a failure, and the Secretary of State should not understate that. Does he agree that the opprobrium visited on China in the negotiations may be unfair and that the United States remains, if anything, the primary barrier to a global deal? What steps does he think can be taken to engage the United States more effectively if we are to see a global agreement?

Edward Miliband: The hon. Gentleman and I have talked about Copenhagen in the past. In a way I think he undersells the efforts, not necessarily of the Government but of himself and legislators all round the world. To say that an agreement that for the first time captures targets not just from developed countries but from developing countries is no step forward and represents no gain is wrong and undersells the efforts of legislators and people who have campaigned for a positive outcome.

On the hon. Gentleman's question about the United States, all countries face difficulties in getting to the kind of ambition we need. There are two separate questions. One is about the level of ambition in any agreement—we want the maximum ambition, including from the US. The second is about the form of the agreement. My understanding of the United States position is that it is content to see movement to a legal treaty. There are others we need to persuade that a legal treaty is in their interests.

Mr. Andy Reed (Loughborough) (Lab/Co-op): Does my right hon. Friend share my concern that without Copenhagen there is a danger of a lack of focus for campaigners and others, to target their attention and pressurise their Governments to come to a legal agreement? What specific measures does he propose to put forward to the high-level panel? Although fantastic figures of $100 billion are mentioned, those of us who campaign on international development issues know, following Gleneagles, that very little of the money flows to where it is required. What lessons learned from past agreements can we deploy to ensure that $100 billion flows by 2020?

Edward Miliband: Those are two important questions. I am glad that my hon. Friend asked the first one; I should have mentioned it. It is very important that the campaign carries on—that is the lesson of Make Poverty History. We made the progress that we did, not just because Governments wanted it to happen but because people made it happen. That is why it is so important that we send an honest message about what happened at Copenhagen, but not a defeatist message that it was all in vain. I do not believe that it was all in vain.

On my hon. Friend's second question, there is a range of options for the high-level panel to look at. People have put forward proposals on bunker fuels and on funding for some of the multilateral development banks. There is a range of options for the panel to consider, many of which were raised in the months leading up to Copenhagen.

Mr. Philip Hollobone (Kettering) (Con): Despite the Secretary of State's best efforts, the failure of Copenhagen surely increases the risk that an international legally binding agreement to prevent climate change may never happen. Given that risk, at what point do the Government reprioritise efforts to adapt to climate change, rather than trying to prevent it?

Edward Miliband: It would be defeatist to say, "Let's give up on this." I am not saying that the hon. Gentleman is suggesting that we give up now, but the lesson of the past year is not that the problem is insoluble. The world has come a long distance. In a way, part of the optics of Copenhagen and some of the things that we failed to get mean that it was a disappointment, but to interpret the past year as suggesting that we are not going to tackle the problem is defeatist. The past 12 months have proved that progress can be made and that further progress can be made in the years ahead.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): Although I recognise that it may have been overly ambitious ever to expect a legally binding agreement from Copenhagen, the fact remains that manufacturing industry needs certainty, as my right hon. Friend said in his statement, and international uniformity if we are not to lose manufacturing to non-compliant areas. Will he undertake to have a close dialogue with manufacturing industry in the UK in order to do our best to ensure that our manufacturers do not lose out as a result of the failure to get a legally binding agreement in Copenhagen?

Edward Miliband: My hon. Friend is right. There is the protection that we need to give to higher carbon manufacturers, which is partly to do with the provisions under the new emissions trading scheme for free allowances, for example. With reference to the comments of the right hon. Member for Suffolk, Coastal (Mr. Gummer) and others in the House, there is also the assurance that we need to give to the low carbon manufacturers of the future that a clear signal has been sent by the world on low carbon, and we want to strengthen that signal. Both of those are important, and I absolutely undertake to do what my hon. Friend asks.

Bob Spink (Castle Point) (Ind): I congratulate the Government on their efforts so far and, in particular, on their commitment to carbon capture and storage for power stations. However, will they redouble their efforts? The time scale for introducing large-scale carbon capture and storage demonstration plants is not ambitious enough, and we need to do more on that.

Edward Miliband: The hon. Gentleman is right that we need to be as ambitious as we can be. That is why we are bringing forward a carbon capture and storage levy as part of our Energy Bill. We hope that all parts of the House will support it and pass it as soon as possible so that we can start to fund carbon capture and storage projects.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): As part of a cross-party delegation I recently visited some of those islands in the Pacific and saw at first hand the difficulties faced by many of the poorest and most vulnerable communities in the world. Following the Copenhagen discussions, can my right hon. Friend offer any hope or support to those poor communities to stop them sinking even further into the sea?

Edward Miliband: My hon. Friend speaks very eloquently about his experiences, and I knew that he had taken that trip. He is absolutely right to say that one of the most important voices at the Copenhagen summit and, indeed, in the months before was that of the small island states. They are the most vulnerable, and all of us will remember the Maldives cabinet meeting that took place underwater to signal the dangers that they face. The finance part of the accord is important, providing immediate resources—I hope—for adaptation and mitigation, and the longer-term finance is important, too. However, the world must also take action on emissions, because in the end that as well as adaptation is what will save those small islands. That is why we need to redouble our efforts on cutting emissions.

Mr. Andrew Pelling (Croydon, Central) (Ind): The Secretary of State has credited the House with a forensic analysis of the difficulties that led to the disappointment at Copenhagen, but is there perhaps someone to blame? Was it a lack of political will on the part of politicians; was it China; was it the strength of the American Congress; or was it, as he suggests, just a problem of process?

Edward Miliband: No, I do not think that I should give the impression that it was a problem of process. At a meeting early on in the negotiations, I said that every country faced compelling constraints that inhibited action on climate change. If there is a reason why we did not reach the agreement that we wanted, it is that every country faced those compelling constraints and we could not overcome them sufficiently. It was not an accident and there was no question, simply, of a badly organised meeting. There are difficult issues, but I come back to this point: the past year has shown that such compelling constraints can be overcome, and we need to spend the months and years ahead overcoming the other constraints that countries faced at Copenhagen.

Queen's Diamond Jubilee

5.32 pm

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Ian Lucas): With permission, I shall repeat a brief but important statement that my right hon. and noble Friend the Secretary of State for Business, Innovation and Skills made about the Government's plans to mark Her Majesty the Queen's diamond jubilee in 2012. It will be a landmark year for Her Majesty, Britain and the Commonwealth. Queen Victoria is the only British monarch previously to have celebrated a diamond jubilee. However modestly our present Queen might approach the celebration, I know that people throughout the country will want the chance to recognise this remarkable achievement by paying tribute to Her Majesty and by celebrating with great pride and affection Her Majesty's 60 years on the throne.

It will also be an opportunity for us as a country to reflect on the incredible changes that have taken place both here and throughout the world over the past six decades. We want there to be a nationwide celebration, and working with colleagues in Buckingham palace and the devolved Administrations we are planning a series of fitting events to enable communities all over the country to mark the diamond jubilee.

Alth[illegible]e are still in the early stages of organisation, I can[illegible]n to the House that the celebrations will take place around the first week of June 2012. In honour of Her Majesty, we will create a special diamond jubilee weekend, moving the late May bank holiday to Monday 4 June and adding an extra bank holiday on Tuesday 5 June. In Scotland, national holidays are a devolved matter. We will work closely with the Scottish Government to help to ensure that people across the United Kingdom can celebrate the jubilee together.

In keeping with previous jubilees, we plan to issue a diamond jubilee medal. Over the next few months, we will be considering that in more detail, including who should be eligible to receive it. In addition, we will be holding national competitions, to be launched later this year, for city status, a lord mayoralty and a lord provostship. Further details of those and other Government plans for the diamond jubilee are available from the Printed Paper Office—and the Vote Office—and online via the Department for Culture, Media and Sport website.

Finally, I can confirm that Her Majesty has agreed, as a mark of royal favour, to confer royal borough status on the London borough of Greenwich. This rare honour is to be bestowed in recognition of the historically close links forged between Greenwich and our royal family from the middle ages to the present day, and of the borough's global significance as the home of the prime meridian, Greenwich mean time and a UNESCO world heritage site.

Further announcements will follow as our plans for the diamond jubilee are confirmed, but I know that voluntary and local organisations will benefit from early notice of these dates.

This will be a truly historic occasion—a testament to the hard work and dedication of Her Majesty the Queen to this country and to her people. We are committed to ensuring that celebrations take place of which we can all be proud.

Sir George Young (North-West Hampshire) (Con): I thank the Minister for advance sight of his statement, which was delivered earlier by the Business Secretary in another place.

This afternoon the House has heard two serious and sobering statements on terrorism and climate change, so we warmly welcome the good news in today's announcement that Her Majesty's diamond jubilee will be recognised by an extra bank holiday. Conservative Members give our full support to this proposal, as indeed we did to my hon. Friend the Member for Romford (Andrew Rosindell), who put forward the idea in a ten-minute Bill that had all-party support and was given its First Reading last November.

I join the Minister in paying tribute to the very remarkable achievements of Her Majesty during her extraordinary reign: extraordinary not just because of its length—she will be the second longest reigning monarch in British history—but because of the integrity and commitment she has brought to that role and the popular esteem in which she is held across the UK and beyond. No country could wish for a better Head of State.

The House will remember the mood that was expressed powerfully during the celebrations for the golden jubilee in 2002. Despite being told that it was to be a low-key affair, more than 1 million people flooded to the Mall to celebrate—a clear indication of the strength of the relationship between the monarch and her people. I also remember, as will many colleagues, the celebrations in 1977 for the silver jubilee and the way in which the nation united and rejoiced at that time.

The Minister made passing reference to the Commonwealth. Can he inform the House about exactly what arrangements have been made to ensure that the Commonwealth nations are properly represented during the celebrations? This is particularly relevant given the special importance that Her Majesty has placed on the Commonwealth and the great success that she has had in helping to build strong relations with Commonwealth Heads of State during her reign.

May we ask for more detail on some of the Government's other plans? In particular, can the Minister confirm that his Department is considering a new youth volunteer scheme, as has been suggested in some press reports? Can he confirm that any organised celebrations will include an important role for young people?

Will the Minister clarify whether arrangements have been made for acknowledging the Olympics during this event? The Government initially indicated that they wanted to link those two events in a single celebration. Can he now confirm, as we hope, that that idea has been permanently shelved?

May I add my congratulations to the London borough of Greenwich on its new auspicious status? It holds a special place in our nation's history, and it is right for it to be honoured in this way. We also welcome the creation of a new medal of service.

Finally, can we ensure that the House of Commons is part of the celebrations? I am sure that all Members across the House will wish to mark this important occasion, and I think that all colleagues would agree that it is right that the House should show its respect for Her Majesty and, indeed, for Prince Philip, and the tireless public service that they have offered this country for 60 years.

Ian Lucas: I am very grateful for the right hon. Gentleman's characteristically kind and good-humoured response, and of course for the full support that he has offered for the announcement today. I am sure that we will carry forward that support in preparing for the celebrations ahead.

The right hon. Gentleman referred to the Commonwealth, as I did in my statement. Of course, Her Majesty has been very successful in developing the strong bonds between the United Kingdom and the Commonwealth throughout her reign. It is important that we take into account the full views of the Commonwealth, and as we prepare we will have the opportunity to involve the Commonwealth in the year as a whole and in the celebrations on the bank holiday.

Another important group that should definitely be involved is young people, as the right hon. Gentleman said. I cannot confirm the press reports relating to the new youth volunteer scheme. We are in the process of discussions at the present time, and of course we will keep the House fully informed.

It is very important that the diamond jubilee celebration is seen as a distinct, almost unique celebration in British history and the history of the Commonwealth, because there has been only one diamond jubilee celebration before. I therefore agree with the right hon. Gentleman that it should be seen as distinct from the Olympics, which of course happen to be in the same year but are not linked to it. The diamond jubilee is to celebrate the commitment and work that Her Majesty has given the nation over 60 years.

It is of course important that the House of Commons be involved, and I am sure that all Members will ensure that that happens when the time comes.

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): I thank my hon. Friend for his statement and wholeheartedly endorse his remarks and those of the right hon. Member for North-West Hampshire (Sir George Young) about the appropriateness of celebrations to commemorate Her Majesty's remarkable 60 years' service to this country, of which we are all deeply proud.

I particularly welcome my hon. Friend's announcement about the significant honour bestowed on the borough of Greenwich, which will be very warmly welcomed throughout my constituency. In his statement, he acknowledged the significant achievements in the area. In view of his business promotion responsibilities, does he agree that 2012, which will be not just the jubilee but the year of the Olympics, in which Greenwich will host many of the most significant events, provides a golden opportunity to promote the area's already successful but further developing industries in the field of leisure, cultural activities, tourism and hospitality?

Ian Lucas: I had a feeling that my right hon. Friend would be here today. He is in the fortunate position of representing the royal borough of Greenwich, as we have said it will be in future. It is an extraordinary constituency and an extraordinary place, and it has strong historic links with the royal family, which is one reason for the announcement today. The year 2012 will be very special, and I urge anyone from across the UK who has not visited Greenwich so to do. It is one of my favourite parts of the UK, and the announcement is richly deserved.

Lorely Burt (Solihull) (LD): I thank the Minister for previous sight of the statement.

In 2012, our Queen will have served her people for a whole 60 years, which is a long working life in anybody's book and deserves to be commemorated. That will be done in a lot of imaginative ways, and we look forward to hearing more suggestions for celebrations. We hope that they will be truly inclusive, and I am sure that they will.

It is welcome that all the Queen's subjects can join in the celebrations on her official birthday, but a bank holiday attracts a cost to industry. The CBI estimates that every bank holiday costs £6 billion, and the Federation of Small Businesses applauds the sentiment but notes the cost, especially to small businesses. However, we welcome this day of celebration for the only monarch who has reigned for so long, with the exception of Queen Victoria, and for someone who has served her subjects so well. We welcome the bank holiday and the celebration, because you're worth it, Ma'am.

Ian Lucas: I am very pleased that the hon. Lady welcomes the celebration.

Andrew Rosindell (Romford) (Con): I commend the Minister and the Government for the splendid announcement—it will be welcomed by people the length and breadth of the United Kingdom. We look forward to a magnificent celebration of the Queen's diamond jubilee in 2012.

Will the Minister please bear in mind the importance of involving Her Majesty's subjects in the other 15 realms, particularly Australia, New Zealand and Canada and, of course, in the 21 Crown dependencies and overseas territories? They are all Her Majesty's subjects and it is important that they, too, are included in the celebrations. I remember the silver jubilee of 1977, when the Royal Canadian mounted police were here for the parade in London. Will he consider issuing invitations throughout the Commonwealth to make it a truly magnificent celebration for Her Majesty?

Ian Lucas: I will of course consider all the hon. Gentleman's suggestions. I was present to listen to his introducing his ten-minute Bill, and we have responded to that as part of the consultation and discussions that have already taken place. As I have said, it is important that the Commonwealth, the Crown dependencies and all subjects are involved in the celebrations. We want to try to ensure that.

Dr. Andrew Murrison (Westbury) (Con): In 2002, a golden jubilee medal was struck for the armed forces and other uniformed services. The qualification period for it was five years before 2002. If similar criteria were used for the diamond jubilee medal, those serving between 2002 and 2007 would be disfranchised. Paradoxically, that is a period in which our armed forces have been engaged in two major theatres of war. In setting his criteria—a difficult task—will the Minister bear those people in mind to ensure that their contribution and service to Her Majesty the Queen are properly recognised?

Ian Lucas: The hon. Gentleman makes an important point. The criteria for the diamond jubilee medal have not yet been established. We are still in the process of taking into account issues such as those that he raises. We will of course consider them closely.

Gregory Barker (Bexhill and Battle) (Con): I was in the Mall with my son for the golden jubilee celebrations, which were terrific. For the diamond jubilee, will the Minister consider an even more enhanced role for our armed services? There is a particular bond between the Queen and the armed services, and we are now dependent on them and in their debt more than at any other point during her reign. If all the regiments could be recognised—and perhaps an invitation issued to all those who marched in her coronation parade or their successor organisations—it would be great. A particular focus on the armed forces for the diamond jubilee would be very welcome.

Ian Lucas: We are, of course, all very much aware of our debt to the armed services, particularly at this time. The hon. Gentleman's positive suggestions will be taken into account.

Bob Russell (Colchester) (LD): The announcement will be welcomed by the Scout and Guide movements in particular, as well as by calendar manufacturers—such as Rose printers of Colchester—which have to work two years in advance, so I appreciate notice of the bank holiday.

Will the Minister elaborate on his reference to national competitions for city status? I recall that, for the golden jubilee, England was disproportionately discriminated against. I therefore urge the Government to ensure that towns in England are treated more favourably than they were for the golden jubilee.

Ian Lucas: There will be a further announcement on the city status competition, which will set out the criteria in detail. I am aware of the strength of feeling in English towns. There is also strong feeling in my town of Wrexham—we believe that our town should have city status, too. Like the hon. Gentleman, I may be able to issue a press release after the statement.

Tony Baldry (Banbury) (Con): The present Banbury cross was built following public subscription to celebrate the wedding of Princess Victoria, Queen Victoria's eldest daughter. I am sure that the people of a borough such as Banbury will want to mark the Queen's diamond jubilee by some similar but modern, 21st-century memorial and tribute. Will the Minister discuss with his colleague the Lord President of the Council whether he could approach the appropriate officials at the palace to ensure that we have a suitable fundraising logo that could be used locally by the authorities in the respective counties and by the respective lord lieutenants? In that way, there will be some focus in each county that the lord lieutenant could oversee, and it would ensure that fundraising can be organised in a structured way for local tributes for the Queen's diamond jubilee.

Ian Lucas: It would be helpful if the hon. Gentleman wrote to me with the details of his suggestion, and I will undertake to try to take it forward on his behalf.

Mr. Philip Hollobone (Kettering) (Con): Up and down the country, there are jubilee halls, bridges, parks, gardens and other local memorials. What steps will the Department for Culture, Media and Sport take to encourage such local celebration of the diamond jubilee in 2012?

Ian Lucas: It is for the DCMS to set out the steps that it will take, but I will be happy to liaise with it on any proposals that need to be taken forward regarding the issues the hon. Gentleman raises.

Lembit Öpik (Montgomeryshire) (LD): As a citizen who has always preferred the idea of a monarchy to a republic, I welcome the opportunity to celebrate this wonderful forthcoming jubilee. Will the Government consider a fund from the public purse to ensure that local authorities and local communities can truly celebrate the monarchy that we love, and to which all of us are loyal—I hope—on that very important day?

Ian Lucas: With the Chancellor of the Exchequer sitting to my left, I am very reluctant to make any financial commitments at this juncture, but I am sure that there will be engagement right across the United Kingdom on the jubilee, that people will be determined to carry forward celebrations, and that they will be committed to fundraising in order so to do.

Mr. Andrew Pelling (Croydon, Central) (Ind): Queen Victoria's glorious diamond jubilee was also held in June. It is an historic part of her reign that is very much remembered. The Minister talked about the importance of this jubilee being an historic occasion, but how can the Government assist in ensuring that it is?

Ian Lucas: The hon. Gentleman is quite correct—this has happened only once before in British history, so it is a genuinely historic and virtually unique occasion. We need to think carefully about it, and to hear from hon. Members and the general public, because we want to make the jubilee something that is remembered for generations to come.

Bob Spink (Castle Point) (Ind): Does the Minister agree that the Queen should try to visit each of the Olympic sites? May I invite her to Hadleigh which, with Hadleigh castle, has very strong historical royal connections? She would receive an extremely warm welcome there.

Ian Lucas: I am sure that Her Majesty has heard that kind invitation and that the palace will consider it carefully.

Point of Order

5.53 pm

Mr. John Gummer (Suffolk, Coastal) (Con): On a point of order, Mr. Deputy Speaker. We had a statement today on climate change. It was circulated in the House of Commons in very large type, suitable for reading by the Government spokesman, and the backs of the pieces of paper were uncovered. If we are going to do something about climate change, could we start in this House of Commons, and ensure that statements are first of all written in print that is not so big, so that we use less paper, and secondly that they are printed on both sides of the paper? After all, equipment for doing that has been available for a very long time and we might do our little bit towards climate change.

Mr. Deputy Speaker (Sir Michael Lord): I am quite sure the right hon. Gentleman is well aware that those are not matters over which I have a great deal of jurisdiction, but I am sure that the whole House has noted his points, and perhaps they will be taken into consideration when statements are produced in future.

Fiscal Responsibility Bill

Second Reading

Mr. Deputy Speaker (Sir Michael Lord): May I inform the House that Mr. Speaker has selected the amendment standing in the name of the Leader of the Opposition?

5.54 pm

The Chancellor of the Exchequer (Mr. Alistair Darling): I beg to move, That the Bill be now read a Second time.

We are debating the pre-Budget report more fully on Thursday, so this evening I will confine my remarks to the Bill. Every country in the world has been hit by a severe financial crisis, resulting in the worst global economic recession for decades. Inevitably, borrowing and debt levels have risen as revenues have fallen. We are affected by that; so is every other major economy in the world. Like other countries, we are now taking steps as we emerge from the recession to secure growth while reducing the deficit, but as I have said on a number of occasions, we have got to do that in a way that does not risk wrecking the recovery and damaging the economy, and our ability to secure growth over the medium and long term.

The deficit reduction plan to halve the deficit over a four-year period is a very important part of that strategy. The Bill will set out obligations to cut the deficit at an appropriate and sensible pace, and it will allow us to protect the economy and maintain public services, upon which growth and members of the public depend. That is an important part of what we are trying to do.

Whatever the economic circumstances under whatever Government, we need rules and objectives to govern fiscal policy. Between 1979 and 1997 during the previous Conservative Government, there were many different targets. Between 1980 and 1997, monetary policy targets changed 14 times and there were at least five different fiscal policy objectives. In fact, I believe that there was no clear and consistent objective of fiscal policy. The result was the lack of a clear objective and overall coherence, which meant, among other things, that we had interest rates peaking at 15 per cent. in 1990, instead of half of that, recorded over the 12 years since 1997.

Mr. John Redwood (Wokingham) (Con): In 2015 and 2016 under the Bill, if national income rises, the Government can put borrowing up and still meet the requirements. However, if national income fell, they would have to cut. Is not that the very opposite of the natural stabilisers the Chancellor normally recommends?

Mr. Darling: No. It is important that the right hon. Gentleman recognises that the Bill requires the Government, in line with the proposals I set out in the Budget and the pre-Budget report, to halve our borrowing over a four-year period, which I believe is absolutely essential. The measures I have set out will enable us to do that, but it is important that we do it in a way that supports and does not damage the economy. Indeed, this is one of the differences between the Government and the Opposition. One reason why we should not go further at the moment is that going further and faster, and bringing forward that deficit reduction, would be damaging to the economy. We are supporting the economy now because we are not yet out of recession. We need to ensure that we have the support of public expenditure, which is keeping the economy going, and supporting the public, businesses and families.

Several hon. Members *rose*—

Mr. Darling: I will give way, but I shall first finish dealing with the point made by the right hon. Member for Wokingham (Mr. Redwood). It is important that we have that discipline. As I was saying, every Government must have a discipline in relation to their fiscal policy and the discipline I set out is important.

Mr. George Osborne (Tatton) (Con): Will the Chancellor confirm what he just said—that we are not yet out of recession at the beginning of January 2010?

Mr. Darling: I have said so—we have not yet had the figures for the fourth quarter of last year. I have said before on many occasions that I believe we will come out of recession at the turn of the year, but we will not have those figures until later this month. Had I said otherwise, the hon. Gentleman would be the first to jump up and say that we do not have the figures, which we do not.

Mr. William Cash (Stone) (Con): As the Chancellor knows, I have raised the question of the true state of the debt on many occasions. I have never had a straight answer, so I would be grateful if I could have one now. When one aggregates the amount, including public pensions, private finance initiatives, Network Rail and bank bail-outs, one reaches the figure of £2.220 billion, which is 158.8 per cent. of gross domestic product. Is that the case? The figures are from the Office for National Statistics. Will the Chancellor also tell my why, in relation to Royal Bank of Scotland and Lloyds, the £62 billion that he announced before the rise of the House for Christmas, was not disclosed to either the Public Accounts Committee or the ONS? Is it the case that Sir Martin Scholar is taking that matter up with him right now?

Mr. Darling: I think that the hon. Gentleman means Sir Michael Scholar, who is the chairman of the ONS. I have explained that point before to the House. This was money that was made available by the Bank of England as emergency support to ensure that RBS and the then HBOS could get through the crisis that we faced in October 2008. I have been asked about that and explained the position before. As I have told the Chairmen of the two relevant Select Committees, I am reflecting on how we deal with such matters in the future.

With regard to the other question, the hon. Gentleman is adding together all sorts of things, including future pension liabilities. The correct thing to do is to look at our position in relation to our debt and compare that with other countries. Even though our debt is going up, by 2014 it will still be below the G7 average.

Lembit Öpik (Montgomeryshire) (LD): While the Chancellor's intention to reduce the public debt significantly through specific targets is unquestionably laudable, my concern is that if he—or someone else, if a different party has taken the reins of Government—misses the target, what is to prevent him from introducing an amendment to the Bill to alter the target? This is a policy statement rather than a binding objective, because it could be changed by statute in the future.

Mr. Darling: I shall come on to that point, but as I was saying before I gave way, all Governments have rules and objectives. Up until 1997, those were simply statements made by the Chancellor in a Budget or at some other fiscal event. Since 1998, we have had the code for fiscal stability and two rules that have guided fiscal policy for the past 10 years. The hon. Gentleman is right: it is open to any Government and Chancellor to say that circumstances have changed and so we need to change policy. I have been a Minister for the past 12 years and I can tell the hon. Gentleman that the discipline created by rules, so the Chancellor can tell Departments that they cannot have any more funds because it would breach a particular rule, is important. I daresay that that was also important for previous Governments. Today we are legislating to put on the statute book a requirement to reduce the deficit by half. Of course, it will not be a question of going to jail if we do not do it, but having to come back to the House to seek further legislation will be a discipline for future Governments. It is not uncommon for Governments in other parts of the world to have similar strictures on them.

The two rules that the Government operated between 1997 and 2007, before the current financial crisis hit us and hit other countries, were to balance the budget, excluding public investment, over the economic cycle and to keep Government debt at a prudent level. Those two rules were appropriate to the challenges of the time. We wanted to increase public investment, and at the time there was a consensus in this House—certainly in the latter part of the 1990s and the early part of the last decade—that our public services did need more money spent on them, including the health service and schools. Those rules were designed to enable us to do that. Over that 10-year economic cycle, which ended in 2007, we were able to balance the budget and borrow to invest, which is something that previous Governments of both political colours had not been able to do previously. We were able to increase significantly investment in public services, tripling it from 0.6 per cent. of GDP in 1996-97 to 2 per cent. in 2006-07, its highest level since 1979. We also saw a continuous expansion in the economy, while reducing Government debt as a share of GDP, from 42.5 per cent. in 1996-97 to 36 per cent. in 2006-07.

Those rules stood our economy and the country in good stead during that period, but events towards the end of 2007 and in 2008 fundamentally changed the economic situation for the entire global economy, because we experienced the worst economic conditions seen in more than 60 years. We were operating in a completely different environment, and policy, here and in other countries, needed to adapt to reflect that. No one could have foreseen the sheer scale and spread of the global financial recession that hit economies all over the world in 2007 and at the beginning of 2008. The result is that borrowing and debt have risen in most countries, ours included.

Mr. Mark Harper (Forest of Dean) (Con): In his opening remarks, the Chancellor made much of the need not to reduce the deficit too fast. However, his written statement to the House on 2 December reported on ECOFIN—I presume that either he or the Chief Secretary attended and agreed with the recommendations—which called on the UK to reduce its budget deficit below 3 per cent. of GDP, or half the level in this Bill, by the 2014-15 financial year. He suggests that the approach in the Bill is prudent, but in another context he suggests that we go twice as fast. Can he account for that disparity?

Mr. Darling: The hon. Gentleman refers to the Finance Ministers' meeting in Brussels at the beginning of December, which I most certainly attended, and the rules that pertain to countries in general. The Commission can make recommendations, but as we are not in the euro, we are not obliged to follow them. We have no plans to change our current policy on that issue. The measures that I have announced in the pre-Budget report and before are sensible and, at this stage and when there is still so much uncertainty as countries emerge from the global recession, it is sensible to reduce the deficit in a way that does not damage our economy.

The recession has had a substantial impact on the public finances, here and in every country. With economies weakening, tax revenues have fallen. In this country, we have seen falls in corporation tax, especially from the financial services industry, but also in income tax. Higher unemployment inevitably and rightly means that more has to be spent supporting people and families. There has also been a cost to continuing to maintain and support the economy and stabilising the banking system. However, both sides of the House agree that stabilising the banking system was necessary. It was not an optional extra, because it would have been calamitous not to have done so. But there is a difference in our policies on support for the economy. Had we not maintained spending to support the economy, the pain and cost of the recession would have been far greater. I do not accept the argument of those who claim that we should have started to cut back on expenditure two years ago. That would have been extremely damaging to the economy and would have made it even more difficult for people.

As we emerge from this global downturn, we need to cut our borrowing, as other countries are doing. To try to meet the fiscal rules put in place for the previous economic cycle would be perverse. Not to allow borrowing and the deficit to rise to help people and businesses would have meant greater pain and more job losses, as we saw in the recessions of the 1980s and 1990s, and would have meant increased costs in both human and economic terms.

Bob Spink (Castle Point) (Ind): Before the Chancellor moves too far from the banking system, would he agree that in order to build public confidence it might be worth considering linking Ministers' pay to performance? If the Government failed to meet the target, Ministers' pay could be cut.

Mr. Andrew Pelling (Croydon, Central) (Ind): Or increased.

Mr. Darling: I think that the latter proposition is probably a remote possibility in the current climate, but the hon. Member for Castle Point (Bob Spink) makes an interesting proposition.

The vital point—one to which I shall return later—is that it is important that Ministers and Governments are accountable to the House, which they are of course. Each and every one of us who are privileged enough to be Ministers of the Crown are answerable to the House.

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and if we do not come up to the mark, one way or another it is open to the House to do something about it. That remains the case, and it is perhaps a more draconian system than simply modifying that week's pay packet.

Kelvin Hopkins (Luton, North) (Lab): My right hon. Friend has emphasised the importance of trying at least to moderate, if not reduce, borrowing. However, would not the most sensible course of action be to maximise the tax take by minimising tax avoidance and evasion and ensuring that the tax gap is closed?

Mr. Darling: I agree with my hon. Friend. I, too, want to reduce borrowing. We have to do more than moderate it—it has to come down. He is right also that part of what we must first do is close the tax gap and ensure that HMRC does everything possible to ensure that it collects every penny due to it. That is not always possible—people go bankrupt and so on—but we must do that. It is also necessary for us to be vigilant about closing tax loopholes when they emerge. One of the successes of the G20 meeting last year was at long last to get international agreement to begin to open the doors on some of the tax havens, such as Lichtenstein for example, so that we can get access to the records of people who live and do business in this country but avoid paying tax here. That is grossly unfair and inefficient. I agree with him on that.

We have a duty to support the economy during the downturn, and that has resulted in higher borrowing, and indeed such measures are still supporting the economy. Not to have put in place the discretionary measures that we have introduced since the end of 2007 would have had disastrous consequences for the economy—I accept that is a minority view, although held by those on one side of the House—because failure to support the economy would have meant higher, not lower, debt and higher, not lower, long-term borrowing.

I have always made it clear that support for the economy during the downturn goes hand in hand with steps to rebuild our fiscal strength once recovery is established. That is necessary to get the growth that we need. However, it is also imperative that we get our borrowing down in a way that supports growth, because growth itself will help us to reduce our borrowing and debt. The alternative is to consign ourselves to a decade of austerity, low growth and low employment, which I do not think would be the right thing for this country.

As I said, in the past, there have been many and varied fiscal objectives under successive Governments. Since 1997, however, our fiscal objectives have remained in the medium term, to ensure sound public finances so that spending and taxation impacts fairly between generations, and in the short term, to support monetary policy and to help to smooth the path of the economy. Despite the disruptions of the past couple of years, those objectives remain important, and to get back on that course we need to get borrowing down on a reasonable time scale.

The Bill requires the Government to set out a fiscal plan for delivering sound public finances, which must be approved by Parliament, and places a duty on the Government to meet that plan. As I said earlier, it gives Parliament a clear role in setting and monitoring the Government's medium-term fiscal plans. Parliament must approve those plans before they become law, so this Bill gives the House a new opportunity to scrutinise the Government's plans. Over the past few months, there has been an understandable desire to reassert the authority, in particular, of the House, and I believe that the Bill is one way in which we can do that. It represents a substantial strengthening of the fiscal policy framework in response to the challenges we face while enabling the House to exercise greater scrutiny, not just through Select Committees, but through the House sitting in this Chamber.

Gregory Barker (Bexhill and Battle) (Con): Does the Chancellor believe that, had the Bill been in force earlier in his term of office, or during the Prime Minister's term of office as Chancellor, the public finances would be in a less ruinous state and that we would not be the only economy in Europe still in recession?

Mr. Darling: No, I do not accept that. As I said earlier—the hon. Gentleman might not have been here—prior to 2007, when this crisis began, our debt levels came down to the second lowest in the G7. We have been reducing debt while spending more on infrastructure. The hon. Member for Stone (Mr. Cash) mentioned the railways. I know, having been Transport Secretary for four years, what happens when a Government inherit a transport system starved of investment, as it had been in the 1990s—literally, things come off the rails. That is why I make no apology for the fact that the Government spend more on the railways and infrastructure. Our transport system needed the investment.

We have spent more on schools and hospitals too. We owe a great deal to the Victorians, but I do not think that they expected us to be relying on their hospitals at the back end of the 20th century. We spent that money while reducing borrowing. Now let us consider what happened to us in 2007-08—this has a bearing on the point made by the hon. Member for Bexhill and Battle (Gregory Barker) about the recession. We have a very large financial services sector—I think that we are, in most people's view, the main financial services sector in the world—so the recession has had a far greater effect on us than on others.

I would like to ensure that we have a major financial centre here in the future. That is why we have to toughen up regulation and work with the industry to ensure that we achieve that. However, the idea that when we entered the downturn, we had not been running the economy efficiently and effectively is nonsense. Yes, we were spending more money on public services, but not a day or week went by when people on the Conservative Benches did not ask for even more money—not less—for schools and hospitals. On some days, they even outdid the Liberal Democrats in calling for more expenditure on services, so for them to say now that they did not want that spending is nonsense.

Philip Davies (Shipley) (Con): The Chancellor appears to be rewriting history as he goes along. He is trying to give the impression to the House that the Government were repaying debt until the economic crisis hit, but that is clearly not true. The Government were borrowing money each year in many years before the crisis hit. Is it not a fact that, unlike the impression that he is trying to give, my hon. Friend the Member for Tatton (Mr. Osborne) is right that the Chancellor was not fixing roof when the sun was shining?

Mr. Darling: When the hon. Gentleman has a chance to think about these things, he might realise that Governments borrow money. There was a time, early in the last decade, when Government borrowing was going down, but then we started to hear concerns from the pensions industry that the Government were not borrowing enough—the pensions industry actually requires borrowing.

Mr. David Gauke (South-West Hertfordshire) (Con): So it's their fault now?

Mr. Darling: The hon. Gentleman makes an extremely flippant remark.

From time to time, Governments need to borrow money to ensure, for example, that we have infrastructure, schools and hospitals. At times like these, were a Government to shut down spending and so put even more people out of work, or were they to get into the absurd situation, like the Government in the early 1930s, of trying to cut benefits and spending, they would make a difficult situation even worse. So I do not accept the point made by the hon. Member for Shipley (Philip Davies).

Dr. John Pugh (Southport) (LD): Will the Chancellor give way?

Mr. Darling: No. I want to make some progress. Perhaps I will give way later.

Clause 1 of the Bill imposes three duties on the Treasury: first, to ensure that Government borrowing as a share of GDP falls in every year to 2015-16; secondly, to ensure that Government borrowing is at least halved as a share of GDP over a four-year period to 2013-14; and thirdly to ensure that Government debt as a share of GDP is falling by 2015-16. The latest forecasts for the public finances, which I set out at the pre-Budget report last month, are consistent with these duties: in the next financial year, 2010-11, Government borrowing will start to fall and continue to do so each and every year after that; borrowing will reach 5.5 per cent of GDP by 2013-14, so that we will more than halve the 12.6 per cent. of GDP reached this year; and with further consolidation thereafter, debt as a share of GDP is projected to fall in 2015-16. I have announced measures that will allow us to more than halve the deficit as a share of GDP over four years—from 12.6 to 5.5 per cent. That is the sharpest reduction in the budget deficit for any G7 country.

In relation to the points raised by some hon. Members earlier, there are no powers to amend those duties. They can be changed only through new primary legislation. In other words, the Government would have to return to the House were they not meeting the obligations.

Mr. Pelling: Can the Chancellor give a judgment on just how deflationary those changes in public spending could be? Is there not a danger from the straitjacket that is being introduced through this legislation?

Mr. Darling: I believe that the changes are manageable, and they are the right thing to do. The hon. Gentleman might want to make his point to those on the Conservative Front Bench, who as I understand it want to go further and faster. There is a risk of damaging the economy if that happens. Inevitably, these are matters of judgment, but I am very happy to justify why we have had to borrow so much at the present time. However, if we are going to get sustainable growth in future, it is important that we get that borrowing down. To halve it over a four-year period is a reasonable thing to do and a reasonable rate at which to do it. To go further than that—and to make that judgment at the present time, when there is so much uncertainty—would be hugely damaging to the economy and would present a terrible risk, especially when the Opposition are contemplating spending even more money on top of that.

Dr. Pugh: Following on from a previous question about what would happen if the legislation had been in place earlier, if it had been in place, would the Chancellor have been free, as he was free, to bail out the banks as promptly as he did? Is he not hampering the range of movement of a subsequent Chancellor?

Mr. Darling: No, because the Chancellor would quite obviously have to come back to the House if circumstances were as severe as those that pertained a couple of years ago. I do not think that anybody would argue for getting ourselves into a position through legislation where the Government were completely hamstrung and could not effectively govern the country. That would be nonsense. However, it is important that there should be a discipline and a clear sense of direction on reducing the deficit.

Clause 2 sets out a duty that the Government must continue to have a fiscal plan after 2016. That will be done by order, so the Government can decide what is appropriate. Again, the matter has to come back to the House. There is also a provision in clause 2 to give the Treasury the power to add further duties to the Government's fiscal plan. We have illustrated how we do that. For example, a draft order was published on the day of the pre-Budget report requiring the Government to ensure that borrowing as a share of GDP came down to 5.5 per cent., which is more than halving the deficit. As we look to the future, if we can get growth that is more robust than in my forecast, borrowing will naturally fall faster. It would then be possible to reduce that borrowing further in the medium term. However, at this stage, I believe that the course that I have set out is the right one.

Clause 3 sets out various reporting requirements, so that the House has an opportunity to see what progress is being made. The Treasury must report on whether it has succeeded in fulfilling the duty that is imposed upon it—that is, on whether borrowing as a share of GDP is lower—and also ensure that debt is falling. If the targets are not met, the Treasury has to explain to Parliament why that is not the case. Again, that is subject to scrutiny by Parliament. There will be a revised code for fiscal stability, which I shall make available before Committee, so that there can proper scrutiny of it.

Clause 4 makes it clear that it is to Parliament that the Government are accountable for approval of, progress towards and compliance with their fiscal plans. I see that the reasoned amendment calls for the creation of a new independent body to monitor and demand fiscal action, but I believe that Parliament should hold the

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Government to account for their fiscal policy, not a quango, an external body or, indeed, the courts. The Government are accountable to Parliament and, through Parliament, to the people.

Mr. George Osborne *rose*—

Mr. Darling: I very much hope that the hon. Gentleman and I both agree that the Government are accountable to Parliament and, through Parliament, to the people.

Mr. Osborne: When the Prime Minister was shadow Chancellor and originally set out his plans for fiscal rules, he said that they should be monitored independently by an independent office. Does the Chancellor know when the Prime Minister changed his mind?

Mr. Darling: My recollection was that when the then shadow Chancellor set out his plans, he set out proposals that we subsequently enacted. The hon. Gentleman asked about independent verification. Again, my recollection is that we said that we thought that there should be a role for the National Audit Office, and there was indeed a role for the NAO, which is independent of the Government.

Stewart Hosie (Dundee, East) (SNP): I agree entirely with the Chancellor that Parliament should hold the Government to account, on this and many other matters. So why have we not had a comprehensive spending review, so that we can understand precisely what the impact of the cuts will be and hold the Government to account on the plans that they are already putting forward?

Mr. Darling: For the reason stated in the pre-Budget report. I said that there was still a lot of uncertainty about. We still do not know what unemployment will be this coming year. We had some good news just after the PBR, in that employment rose and unemployment fell, but we still think that unemployment will rise during the course of this year, so there is a lot of uncertainty about, and we still have the current spending plans, which run through until April 2011. That is why we have not done a spending review just now, and that remains the case.

There is no doubt that we face a huge challenge as a country. There will be difficult judgments over the next few years. I have said before that some tough decisions will have to be taken, but the real judgment is this: we should recognise that what the Government do and what they spend can make a difference to the future rate of growth, and they can certainly make a difference to the quality and availability of public services, upon which many people who send us here rely. However, what the Government do and what they spend will also set the direction of this country for the next 10 or 20 years. That is why it is important that we get it right. I believe that my judgment of bringing borrowing down in a way that is manageable and deliverable and, at the same time, does not damage the social and economic fabric of this country is the right one. This Bill will help us to achieve that. I commend it to the House.

6.26 pm

Mr. George Osborne (Tatton) (Con): I beg to move an amendment, to leave out from "That" to the end of the Question and add:

> "this House declines to give a Second Reading to the Fiscal Responsibility Bill because it does not establish an independent mechanism for ensuring the publication of credible fiscal forecasts and assessing the effectiveness of Government fiscal policies in achieving stated fiscal objectives; because the duties imposed by the Bill are not accompanied by any corresponding sanctions; because in the absence of spending plans which set out a credible means by which public sector net borrowing is to be reduced, legislating to secure sound public finances is irrelevant and a distraction; and, consequently, considers that the Bill is inadequate in achieving the objective of securing sound public finances."

Although this piece of legislation consists of only six short clauses, it must be the biggest load of nonsense that this Government have had the audacity to present to Parliament in this Session. Quite frankly, I do not think the Bill is the idea of the Chancellor of the Exchequer or any of his Treasury Ministers, or indeed of any official in the Treasury. It was dreamt up by the Schools Secretary and the Prime Minister when they were trying to think of something to say on the "Andrew Marr Show" on the eve of the Labour conference, so now we all have to go through the rigmarole of debating it in Parliament. The Bill was a completely feeble stunt, a fact that is revealed when we look at the clauses.

Let us remember what one of the economists whom the Prime Minister himself appointed to the Monetary Policy Committee has said about the Bill. Willem Buiter has said:

> "Fiscal responsibility acts are instruments of the fiscally irresponsible to con the public."

That was the man whose economic judgment the Prime Minister trusted so much that he put him on the Monetary Policy Committee of the Bank of England, but no one is conned. If the Bill was supposed to reassure the markets, it has failed. This is what one of the City's leading economists, Michael Saunders of Citibank, says:

> "the government's plans for legislation to cut the deficit are not convincing and are probably just camouflage—a sort of 'fiscal figleaf'—for the lack of genuine action".

If the Bill was supposed to con the business community, it has completely failed in that task too. Richard Lambert, the head of the CBI, was on the radio just two or three days ago saying:

> "I'm certainly not satisfied with the government's plans. It's going to be publishing in the next few days legislation which says it is going to halve the deficit within the next four years, but it's a bit like me saying I'm going to join the gym and that means I'm fit already."

The Bill was also supposed to convince the independent economic commentators, but this is what the Institute for Fiscal Studies says about the legislation that the Chancellor has brought to the House today:

> "it is far from clear why investors and voters should be any more impressed by this"—

the Bill—

> "than they were by the Code for Fiscal Stability, which was enshrined in statute with much fanfare in 1998."

The Bill has failed to con even the Labour party. This is what the right hon. Member for Norwich, South (Mr. Clarke) says—*[Interruption.]* The Chief Secretary to the Treasury laughs, but I seem to remember that the right hon. Gentleman is the former Home Secretary—not the former Home Secretary who says that the Labour party has a big charisma problem; I am talking about the other former Home Secretary, who says that this piece of legislation is "vacuous and irrelevant". As with so much that the right hon. Gentleman says about the leadership of the Labour party at the moment, he is absolutely right, because when we go through the Bill clause by clause, we see what complete nonsense it is.

Let us start with clause 1, which deals with the duties on the Treasury. Here we read:

> "The Treasury must ensure that…public sector net borrowing expressed as a percentage of gross domestic product is less than it was for the preceding…year."

We are also told that the law will require net debt to be falling by the end of five years. Saying these things, and putting them into statute, will not actually make them happen, however. Every Budget and pre-Budget report produced by this Chancellor and his predecessor since 2003 has promised falling net debt at the end of a five-year horizon, and every one of those borrowing forecasts has been wrong, in times of boom and of bust.

The present Chancellor has got his total borrowing forecasts wrong to the tune of £560 billion since he entered No. 11. It is now four times higher than when he announced his forecasts for the PBR in 2007, after the credit crunch had begun. So why would anyone believe his latest forecast, just because he writes it into the clause of a Bill instead of publishing it in the Budget Red Book? Does the fact that it is printed on green paper, given a solemn title and passed through Parliament after being looked at by a Committee of the House make it any more likely to happen, or any more real, than when he stood at the Dispatch Box on Budget day and told us that these things were going to happen?

Clause 2 relates to "Further duties for securing sound public finances". In it, we find a stunning extension of state power. We discover that

> "The Treasury may make an order imposing…a duty or duties"

and that these duties are

> "imposed for the purpose of securing sound public finances."

We also find that these duties

> "must be consistent with the key principles as applied by the code for fiscal stability."

This is the same code for fiscal stability, by the way, that allowed the Prime Minister to run massive deficits in the middle of a boom, but never mind that. We shall have an order that will impose a duty to secure sound public finances, and it will have to be laid before Parliament and approved by resolution of the House of Commons.

Who is to be on the receiving end of this great order that will descend from on high, from Her Majesty's Treasury, to use the full authority of Parliament to impose a duty to secure sound public finances? Which public body will be quivering in fear, wondering whether it is to be the Treasury's chosen victim? Well, it turns out that that public body is the Treasury itself. Under clause 2, the Treasury will have the power to make an order that imposes a duty on the Treasury. That will make it sit up and take notice, will it not?

Mr. Cash: On the question of duties, does my hon. Friend agree that the point he is making could equally be applied to the Government Departments on which Parliament has imposed a series of duties that drive levels of public expenditure ever upwards? Does he not agree that, to get the whole question of public expenditure right, we would have to amend or repeal many of the duties imposed on public bodies in order to reduce the overall level of public expenditure?

Mr. Osborne: I take the point that my hon. Friend is making.

The Chancellor said in his speech that the great sanction would be that, if the existing code or Act were broken, the Chancellor would face the humiliation and embarrassment of coming to Parliament to introduce a new piece of legislation. I guess that he is in a position to know what that feels like. From what I can see of his behaviour today, however, that is not a huge sanction.

Lorely Burt (Solihull) (LD): Does the hon. Gentleman agree that legislation without sanctions is not worth the paper it is written on?

Mr. Osborne: I agree with my—I was about to say "my hon. Friend", but that would be to get ahead of ourselves, would it not? We are all being very nice to the Liberal Democrats these days. I agree with the hon. Lady. I take it from what she said that she will be joining us in the Division Lobby tonight; I certainly hope she will.

Hon. Members might be hoping to find something a bit more impressive in clause 3, but in it we discover that the Treasury will be required to tell us whether it has met its borrowing forecasts. The last time I checked, I found that that happens in every single Budget statement and pre-Budget report. However, we now need legislation to turn what has been the standard practice of Chancellors, at least since the second world war, into the law of the land. And when will the Treasury be required by law to tell us whether it has succeeded in performing its duty to secure sound public finances? According to clause 3(5), this will have to happen

> "during the financial year ending with 31 March 2016."

We shall not have long to wait, then, for the Government's assessment of how well they are doing. They cannot get their borrowing forecasts right from one month to another, yet they now expect us to believe a commitment written in statute relating to 2016. They are living in a completely parallel universe.

Let us look at clause 4, which relates to accountability. Let us see what terrible fate will await the Treasury if it fails to comply with the order imposed on it by the Treasury. Will the Chancellor be hauled off to the Tower? Will he be forced to hand in the great seals of his office? Will his pay be docked for poor performance? Will he at least have to apologise? No. Clause 4 states that the fact that any duty imposed as a result of the Bill

> "has not been, or will or may not be, complied with does not affect the lawfulness of anything done, or omitted to be done, by any person."

This is an absolutely ridiculous clause. There are no penalties. This must be the first law introduced in Parliament that contains absolutely no legal sanction whatever for those who break it.

We have only two more clauses to consider. Clause 5 is about interpretation, and states that the Treasury will be required to "explain the meaning" of such terms as "public sector net borrowing" and "public sector net debt". It is a shame that the meaning of those terms was not explained to the previous Chancellor when he was in office. As far as I can see, the clause does not require a proper explanation of the state of the national accounts

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that takes into account the private finance initiative liabilities that are kept off-balance sheet, and public sector pension liabilities.

Finally, clause 6 deals with the short title of the Bill, and tells us that the legislation will be known as the Fiscal Responsibility Act 2010. We will have to see whether it ever becomes an Act. This clause confirms a time-honoured principle in this place: the greater the claims that are made by a Bill's title, the less substance it usually contains.

Of course we have to debate this vacuous and irrelevant legislation, but why did the Chancellor feel the compelling need to introduce it? Why is he the first Chancellor in history to feel that he needs an Act of Parliament on top of a Budget statement? There can be only two explanations: either he does not trust himself to secure sound public finances, or he knows that the public do not trust him to secure them. Neither is exactly a ringing endorsement; both are a reflection of the catastrophic, disastrous state to which this Government have reduced the finances of this country.

I have searched far and wide to find another country that has introduced a fiscal responsibility Act, and I have found one. It is that shining example of fiscal rectitude, Nigeria. That is where the Chancellor appears to have got his inspiration from. It was no doubt sent to him in one of those e-mails that we all get from Nigeria. Perhaps it said, "Dear honoured sir, I am a former finance Minister of this country, and I have a plan to reduce your debts. Please send me your bank account details and I will forward the money by return." *[Laughter.]* Of course this would be funny, if this were not such a fundamentally dishonest piece of legislation, and if this were not such a fundamentally serious time, in which the credibility of our nation and its ability to pay its way in the world are being questioned by markets, investors and credit rating agencies around the world.

A poll in yesterday's *Financial Times* found that a fiscal crisis was the biggest single risk facing the British economy at the moment. The managing director of Moody's Global Sovereign Risk group is now warning of the danger of

"an abrupt increase in long term interest rates"

in the UK. The former Deputy Governor of the Bank of England, Sir Howard Davies, whom the Prime Minister appointed to be the first head of the FSA, said this week that

"the major risk" to the British economy

"is the loss of confidence in the government's ability to get the public finances back under control".

And today we hear that the world's biggest bond investor, PIMCO, has announced that it will be selling off UK Government bonds this year. It says that this is a "significant policy statement" prompted by concerns about rising borrowing levels in this country. It has just issued a statement saying that the question is when, not if, Britain's credit rating will be downgraded.

Mr. Redwood: Has my hon. Friend noticed that during the period in which the Bank of England has been buying a quarter of the total Government debt in issue to try to keep the price up, the price has been falling so the long-term rate of interest has been rising? That has happened even though the Bank is buying a quarter of the issue, so what is going to happen when it stops buying?

Mr. Osborne: My right hon. Friend makes an extremely telling point, and I am going to come on exactly to the threat to interest rates posed by the Government's policy. Before I move on from Pimco, I cannot help noticing that the head of the European arm of PIMCO, one Mr. Andrew Balls, is the brother of the Schools Secretary. Clearly, the Balls family's confidence in the Chancellor's ability to do his job runs across the brothers.

My right hon. Friend the Member for Wokingham (Mr. Redwood) makes a very important point about gilts and the fact that we are now in a period when the Bank of England is pursuing a policy of quantitative easing, but with £200 billion of gilts to get away next year, we need buyers, not sellers of those gilts. Here, however, we have the world's largest bond investor saying that it is going to be selling gilts next year. Of course gilt yields are rising—up 1 per cent. last year and up 0.5 per cent. in the last month, which is twice the rate of increase in countries like Germany.

Rising gilt yields, of course, mean in the end rising interest rates, so a central objective of policy for recovery must be to allow the Bank of England to keep interest rates as low as possible for as long as possible, which requires a credible fiscal plan. The absence of such a plan from the Labour Government is pushing up the yields that will push up the interest rates and the mortgage rates, causing businesses to fail and jobs to be lost. The Chancellor, however, remains paralysed by inaction. He seems to see the storm clouds gathering, but he is doing nothing. We know the reason why. The Prime Minister and Schools Secretary—the man whom the Prime Minister wanted to be the Chancellor—will not let him. The disagreements between them are now an open secret. They are on the front page of *The Financial Times* and are being read across Europe. The Chancellor is at least vaguely aware, I think, of the seriousness of the debt crisis this country faces, but the Prime Minister is in complete denial. The Chancellor at least uses the word "cuts", but the Prime Minister could not bring himself to use that word in the first big interview he gave in the new year.

I believe that the Chancellor wanted to accelerate the reduction in the deficit and he wanted to do so in the pre-Budget report, but he was overruled by the Prime Minister who accelerated the spending instead. That is the problem—the Chancellor keeps losing this argument in Downing street and the result is that Britain's credibility in the world markets is further undermined. Britain's credit rating is for the first time in our history at serious risk and British interest rates are set to rise in a recovery.

The answer surely is to deal more decisively with the deficit. As the Chancellor well knows, that is the view of British business and the CBI. The Labour party used to parade the CBI as one of its great supporters, and I believe that in 1997 the CBI was invited into Downing street before the trade unions were. Now the Labour party dismisses the views of the organisation that speaks for many British businesses, but this is what Richard Lambert, the man who was also appointed to the Monetary Policy Committee by the Prime Minister, says:

"History tell us that these are really difficult nettles to grasp but if you grasp them in a clear and bold way, then the pain lasts for a shorter period than if you just limply grab and hold of

> them… Our strong instincts are that the risks of going too soon are less than the risks of waiting too long… Two full parliaments of chancellors being responsible just seems too much to expect."

Here is the view of the OECD expressed in the last few days:

> "Major fiscal consolidation is needed"

in the UK

> "and more concrete plans should be developed and communicated as early as possible."

That is the OECD's view expressed after the pre-Budget report.

Here, now, is the view of the international markets. BNP Paribas says:

> "The UK's public finances are in such a poor state that delay could lead to a loss of confidence, a downgrade of the UK credit rating and a crisis in the public finances."

Sir John Gieve, another former deputy governor of the Bank of England appointed by the Prime Minister, stated that the Government's plan

> "will be hard to sustain politically and eliminating the structural deficit more quickly in 2011 and 2012 looks a better course."

Mr. Darling: I have said that we should halve the deficit over a four-year period, but the hon. Gentleman clearly thinks that we should go further and faster. How much faster and how much further?

Mr. Osborne: I am just coming on to my view, which is exactly the same as that of the Governor of the Bank of England, the person who is in charge of monetary policy. The Chancellor is in charge of fiscal policy in this country; the Governor of the Bank of England is in charge of monetary policy. It is the view of the Governor that we should eliminate a large part of the structural deficit in the next Parliament and that is precisely my view as well.

Mr. Darling: That is what we are proposing to do, but in addition, the Governor of the Bank of England said in the same interview in response to a series of questions that he recognised the difficulties that could arise from going too fast and too much further. Let me ask the shadow Chancellor again: if he thinks we should go further and faster, will he tell the House how much further and how much faster? Especially in the light of what has happened in the last 24 hours, some further detail would be very welcome.

Mr. Osborne: The Chancellor says that he has the same view as the Governor of the Bank of England—he has just said that—but when asked by the Treasury Committee what he thought about the risk of a credit downgrade to the UK, the Governor said that we needed "a credible plan", which by implication does not currently exist, and that such a plan should consist of the elimination of a large part of the structural deficit in the next Parliament. That is a view I share with the Governor of the Bank of England and it is clearly not the view that the same Governor believes is being pursued currently—or else he would not have referred to the need for a credible plan.

Mr. Darling: Let me ask the hon. Gentleman a last time, as it does not seem that I am going to get an answer. If he read the whole of the Governor's reply, the hon. Gentleman would know that he was talking about countries across the world, not just this country. But why will the hon. Gentleman not answer the question? He quite clearly hints that he would like to go further and faster, so why will he not tell us exactly how much? Does he want to reduce the deficit a year earlier than we do? If so, how does he intend to do it? If he does do that, it might mean taking another £26 billion or so out of the economy. Is that his intention?

Mr. Osborne: This is what the Governor of the Bank of England said when asked—*[Interruption.]* I know that it comes as a complete surprise to Labour Members that the Conservative party agrees with the Governor of the Bank of England and the Chancellor of the day does not seem to agree with him. When asked to comment on the plan that the Chancellor had set out, the Governor said this, and I have it before me:

> "I think"

the plan

> "has to be something where a really significant reduction in the deficit, the elimination of a large part of the structural deficit, takes place over the lifetime of a parliament, which is the period for which a government is elected. Beyond that"

commenting on the Chancellor's plan—

> is a statement of intent and hope rather than a plan for which someone can be held accountable."

That is what he said in evidence to the Treasury Committee on 24 November 2009. I agree with the Governor of the Bank of England and that is our policy.

It is increasingly clear, by the way, that virtually every independent and respected opinion in this country agrees with us rather than with the Government of the day. Such opinion is also in agreement with our approach towards creating a fiscal framework in which we can be held accountable. What we are going to do if we are elected to power in the next few months is create a proper and independent office for budget responsibility. Indeed, we publish today draft legislation—*[Interruption.]* Well, I am not sure what Liberal Democrat policy is on independent fiscal accountability—although, of course, I must be careful.

Let me explain the very significant difference between what we are proposing and will implement and what the Government are presenting to Parliament today. The first striking difference is that while this Bill leaves the Treasury in charge of forecasts and gives the Chancellor the room to fix the forecasts in order to fit the Budget policy—as we know, a practice that has developed in recent years—our Bill would for the first time ever put the forecasts of the nation's finances in independent hands. In other words, it would not be the Chancellor of the Exchequer of the day who published the borrowing and debt forecasts; it would be an independent office for budget responsibility, properly resourced and accountable to Parliament.

Secondly, while this Bill leaves the Chancellor as judge and jury on whether he is sticking to his fiscal strategy, our Bill would subject the Chancellor to the independent verdict of an independent panel of experts in the office for budget responsibility. While this Bill tells us nothing about the true state of the nation's finances, our Bill would give the country a statutory independent audit of the true cost of public sector

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pension liabilities and the dodgy off-sheet accounting of PFI contracts, and give us a proper national audit of the nation's finances.

Mr. Pelling: Might not the arrangement be strengthened further if the body sat in Parliament, mimicking the Congressional Budget Office in some respects? I know the Opposition feel strongly that it is important to enhance the effectiveness of Parliament, and I may have misunderstood what the hon. Gentleman is proposing. Perhaps he intends the body to sit in Parliament.

Mr. Osborne: It would be rather like the Monetary Policy Committee. It would be independent, but accountable to Parliament. Its members would, I assume, appear before the Treasury Committee, and it would be asked to make a technical judgment in publishing the nation's borrowing and debt forecasts.

Instead of the Chancellor of the Exchequer, on Budget day or pre-Budget report day, standing up and saying "We predict that the country will borrow X, Y and Z over the coming years", this independent body, accountable to Parliament, would make the judgment. It is a technical judgment, and we do not need an elected politician to make it. We need elected politicians to be informed by a proper, independent judgment of the nation's finances; then we shall all be able to make the decisions on tax and spending for which we are held democratically accountable. It is clear from what has happened over the last few years how misled Parliament has been by the borrowing forecasts announced by the present Chancellor and his predecessor, which have turned out to be completely wrong and have led to decisions that were not in the interests of the country.

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): The shadow Chancellor is rightly puzzled about the issue of sanctions that the Treasury might be able to impose on itself, but can he explain what sanctions the new independent body would be empowered to impose on the Treasury if the targets set by the body were not met?

Mr. Osborne: At or around the time of the Budget, and the pre-Budget report, the body will publish not just the forecasts but its view on whether the Government are on course to fulfil the mandate set by the Chancellor—in other words, the elimination of a large part of the structural deficit over the Parliament—and an independent report. Obviously, if the Government were shown to be off course, that would be hugely embarrassing for the Chancellor of the day.

I do not think that a Chancellor who regularly disagreed with the independent body could survive for long, so it would pose a challenge to him. This would constitute a proper, serious sanction. In extremis, the Chancellor of the day can overrule the Monetary Policy Committee or the independence of the Bank of England, although of course the question never arises. In this case, the Chancellor of the Exchequer would face a very difficult time if, after he or she had said, "We will achieve this fiscal result over the coming years", the independent body, at the time of the Budget, said, "Actually, they will not."

Mr. Frank Field (Birkenhead) (Lab): Is not the truth that the sanction contained in both the Bill and the hon. Gentleman's proposal is the bond market? If a Chancellor of the Exchequer came to the House and said that he wanted to change, in primary legislation, the arrangement that we are discussing today, or if a future Conservative Chancellor said that he was ignoring what the new body was saying about the danger to the economy, we would very soon find our credit ratings lost or further downgraded, and long-term interest rates would rise. That suggests that the real discipline now is not in the House or even in the banking community. We are now subject to the requirements of credit agencies and the bond market for us to start behaving properly.

Mr. Osborne: The right hon. Gentleman has made a very good observation, which is, in fact, true of government through the ages. Even in mediaeval times, kings and Parliament in its then form were subject to the ability to raise money on what were then the international money markets.

Something interesting has happened in this country's politics. We used to regard Budget day, and pre-Budget report day, as the moment when the Chancellor, whoever it was, would come from on high and hand out the goodies. We were all supposed to be incredibly grateful, and then the Chancellor would disappear for another six months. Of course, things are very different now. The House of Commons is subject to the economic pressures imposed on it by, in part, the bond market.

I recently read an interview with the Swedish Prime Minister of the 1990s, Göran Persson, who said that no Prime Minister wanted to find himself in the situation in which he had found himself. He was spending more time in the City of London giving presentations to young bond market traders than talking to the Swedish people about the fiscal problems the country faced. The House should take very seriously the fact that the world's largest bond investor said today that next year it would sell gilts rather than buy them, the fact that all the credit ratings agencies have put the United Kingdom on a warning and will decide later in the year whether it should face a credit downgrade, and the fact that our gilt yields are rising at twice the rate of Germany's. Even if the Prime Minister is in complete denial about the economic situation and the fiscal problems that the country faces, I do not think that that is an excuse for the rest of us to ignore those problems.

I agree with the right hon. Member for Birkenhead (Mr. Field) about the discipline of the bond market, but I believe that an independent office for budget responsibility would help Members of Parliament to hold Chancellors and Prime Ministers to account for their promises, and would give Members proper information on Budget day so that they could challenge what the Chancellor and the Prime Minister of the day were saying. It would also discipline the Government internally, and would help Chancellors to achieve their and the Government's stated goals.

Our proposal has been welcomed by many different people, including independent economists. The Institute for Fiscal Studies has said that a new independent body of the kind that the Conservatives propose

> "could help keep the interest rates at which the government is able to borrow low",

because it would enhance the confidence of the bond markets in the Government's ability to deliver on their objectives. It has been supported by the CBI and many other organisations. That is why we have published our legislation in draft today. It means proper accountability, a real set of national accounts, lower interest rates, economic stability, and the restoration of Britain's credibility in the world markets. That is what a Conservative Government will bring to this country as we consign this Government and this nonsense of a Bill to the dustbin of history.

6.56 pm

Mr. Frank Field (Birkenhead) (Lab): I want to explain briefly why I will not be supporting the Government tonight.

Mr. Eric Martlew (Carlisle) (Lab): There is nothing new about that.

Mr. Field: That is true, and it is a sadness for me, but clearly not a big enough sadness to the hon. Gentleman, who is now leaving the Chamber.

Given the Chancellor's ability to present such thin gruel to the House, I am surprised that his party did not claim to see the signs of joined-up government. Yesterday they announced that in future all five-year-olds in our schools would be taught the dangers of debt, how not to fall into debt, what to do if they fell into debt, and how to get out of debt as quickly as possible. Bright, or perhaps not so bright, five-year-olds might suggest that the lessons could start here rather than in the classrooms.

I want, however, to inject a note of seriousness, if not horror, into the debate. I want to compare our present position with the phoney war that led up to world war two. Although those on all three Front Benches now talk of the need to lower the deficit, they are all also talking about spending more. I do not believe that our voters—the voters of this country—have any idea how serious the financial position of the country is, or how massive the cuts will have to be if we are to return some semblance of order to our national accounts.

Let me illustrate that first by looking at the payments on the new debt. Let us suppose that we could not roll that debt over, but had to close Government Departments. The cost of the debt in the first year of bailing us out—I am ignoring past debt, which we have to service as well—would be the loss of the Department for Culture, Media and Sport, the Department for Environment, Food and Rural Affairs, the Department for business and enterprise, the Law Officers' Department and the Northern Ireland Office. In the second year—we are not concerned only with the new tranche of debt; there would be two years of debt—we would have to lose, in its entirety, the Department responsible for innovation, the universities and skills. In the third year, the debt repayments would be greater than the budgets for defence, the Cabinet Office and some other Departments of State. It would decimate what we do as a Government if we had to pay for the money that we intend to borrow by closing Government Departments and the programmes that go with them. I do not believe that the people of this country yet have any idea about the seriousness of the position that we face.

Justine Greening (Putney) (Con): Does the right hon. Gentleman agree that part of the problem is that the Government also seem to have no idea about the seriousness of the situation?

Mr. Field: I am critical of all the Front Benchers. In the past few days, the official Opposition have been talking about spending new money. It is bizarre beyond belief to think that the health budget can be ring-fenced. It is one of our biggest budgets, and commitments have been given from Government and Opposition Front Benchers about the sanctity of such budgets. It will be impossible for us to balance the books even at the rate that the Chancellor is talking about—I shall discuss in a moment whether that level would be adequate or quick enough—if we decide that some of the largest departmental expenditures will somehow be saved from cuts.

Mr. Cash: The right hon. Gentleman is talking a great deal of sense. Does he agree with my earlier point that the approach of addressing these issues without having regard to the duties that are imposed on local authorities by Parliament is part of the problem? We have to deal with the question of whether legal liabilities are being raised to a level that cannot be supported by public administration.

Mr. Field: I accept that, but we face something far more immediate than that, as I tried to make plain in my intervention on the shadow Chancellor. We keep hearing contributions in this place that sound as though we are now in charge of our affairs and our future, but we are mere pawns on the chessboard of the credit agencies and the bond market. It is to their tune, sadly, that we now have to dance. My worry is that even in the next few months we are going to have difficulty in floating the amount of debt required to see us up to and through the election, let alone the next umpteen years.

Kelvin Hopkins: I usually agree with much of what my right hon. Friend says, but I am alarmed by what he says about the level of cuts that he believes we face. He is talking only about the expenditure side, and not the income side, of the problem, but we should be looking at income and not expenditure. If we cut spending now, we will just make the problem worse.

Mr. Field: In my view, if we do not cut enough and soon enough, we will not have a currency. The debate about whether we should have taxation or cuts is to some extent academic. The plea about tax evasion and avoidance that my hon. Friend has made ever since he has been in the House—ever since I have enjoyed listening to him—is one that I was pleased to hear the Chancellor pick up in such a positive way, but that alone is not enough.

I return to the central issue of whether we are going to see ourselves through to the general election. We have been living in a cloud cuckoo land partly because all the political parties have been saying that they are going to spend more, so that nobody would think that things will be all that tough. The economic crisis was said to be the most serious since the 1930s, but when improvements in programmes are announced, people think, "Well, it can't be all that bad, can it?" What has added to that illusion is the fact that the Government have been printing money, between 98 and 99 per cent.

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of which has been buying the Government debt. What we do not know is what the markets will do when there is no more funny money to use to buy that debt. We know that there is £25 billion more; presumably, that money is being spent now and will, one hopes, take us up to February—but then things will hit the fan. Of course, the Government are taking proper actions such as saying to the banks, which behaved so irresponsibly in that earlier period, that they need to restructure their liabilities and assets so that they have a more stable basis from which to carry out their trade. Surprise, surprise, one of the assets that the Government say that the banks should have more of are Government gilts. The danger is that if the international markets do not believe us, those gilts might not be much better than the American mortgage bonds that were floated a few years ago and that got us directly into this mess.

I want to make a plea to the Government. The point of maximum danger will certainly come when we cannot, or are not going to, print any more money to buy our own debt. Earlier, I made a comparison between the current situation and the phoney war—the lead-up to the war. The comparisons are chilling. In 1938, people came to the House and to the Dispatch Box and told us that there was no real threat from the international situation and certainly not from Germany. Recently, there has been an unwillingness across the whole House to get to grips with the size and extent of the debt. That unwillingness has been equivalent to the denials about the dangers of Nazi Germany. Back then, when the Government started to lose support, they were forced to give a pledge to Poland. An equivalent pledge today is the Bill before us, which the Government would not have introduced willingly, but they know that they need to introduce it if they are to increase the confidence of the markets. In 1939, the then Prime Minister said to Montgomery when visiting the British Expeditionary Force, "I don't think the Germans have any intention of attacking us. Do you?" Montgomery soon put him straight on that. The bizarre denial of that time culminated in the Norway situation, when we all learned just how grave and perilous the position of this country was.

I want to end by making a plea to the Government. The Conservative party did not have a terribly good record on Munich, so I am not trying to make party political points here; it is far more serious than that. It is a big regret of mine that in the lead-up to the Iraq war—and I am probably the only person in Christendom who still believes that the Iraqis did have weapons of mass destruction—I did not ask the then Prime Minister an obvious question about the plan for day two. I did not ask about the plan for ensuring that the country did not descend into chaos after the Government had been toppled. I therefore make a plea to the Chancellor, knowing that no one will be able to stand up and say that they have taken the relevant precautions. What defences have the Government thought through if long-term interest rates do not rise in the way that the shadow Chancellor has described, but start to gather pace? What will our response be? What will be our defence to prevent further deterioration if we lose our credit rating? What do the Government have in the cupboard to ensure that we do not face a gilt strike when the Debt Management Office at the Treasury reports to the Prime Minister that it has not been able to garner enough funds that week to buy up the Government debt? Margery Allingham wrote a brilliant diary on the horrendous drift into war from 1938 to 1939. When the Norway disaster engulfed the country, she wrote of the then Prime Minister, Chamberlain, that he was a "vain old man with nothing up his sleeve." Please, God, I hope that this Government have a lot up their sleeve.

7.9 pm

Mr. Jeremy Browne (Taunton) (LD): Thank you, Mr. Deputy Speaker, for giving me an opportunity to contribute to this pressing and important debate. As we have just been hearing from the right hon. Member for Birkenhead (Mr. Field), we gather at a time of great economic risk for our country. The first signs of tentative economic growth may be appearing, but we are far from out of the woods.

The economic backdrop to the Bill is dire, as the right hon. Gentleman has just said. In 2009, the British economy contracted by almost 5 per cent. That is worse than in either of the Conservative recessions of the early 1980s and 1990s, and worse even than 1978 and the winter of discontent. Remarkably, it is even worse than the year of the Wall street crash or any of the subsequent years during the great depression.

Our economy contracted by more in 2009 than in any peacetime year since 1921, and the impact on our public finances has been truly devastating. One quarter of British public spending is now unfunded. We have a low-tax economy, not because ordinary people and households around the country pay less tax but because of a collapse in corporation tax. At the same time, however, we have a high-spending Government. The money coming into the Treasury's coffers is comparable to that in an American-style society, but the money going out of those coffers is more comparable to that in a Scandinavian-style society. The long-standing ready-reckoner suggesting that any country borrowing more than 10 per cent. of gross domestic product in a given year has entered basket-case territory has been breached. In this financial year, we in Britain will borrow more than 12 per cent. of our GDP, and the proportion will be well over 10 per cent. again next year.

What will be the effect on public services—the local schools, the police, the hospitals—in our individual consistencies? One quarter of those services are unfunded, and we are plugging that gap this year with public borrowing. As a country, we are borrowing an extra £500 million every single day, which equates to more than £20 million extra every hour or £1 million extra every three minutes. We have borrowed about £25 million extra since this debate started. Our currency has been massively devalued, and we are now printing extra money.

It is often said by the Government that other countries have experienced recession too, and that is of course true. When those countries were growing, however, we never heard from the Prime Minister that Britain's rising prosperity was due to international factors that had nothing to do with the policies of his Government. Instead, all his plans were predicated on the best-case scenarios, and that left Britain dangerously over-exposed. When this Prime Minister boasted that we had abolished boom and bust on his watch, he was half right—he just got the wrong half.

I want, however, to turn to where the Prime Minister has a valid story to tell. It has been said—and the Chancellor said it again today—that our borrowing is at a level similar to that of other comparable countries, and that is broadly true. We were told by our iron Chancellor that we would not let our debt rise above 40 per cent. of GDP, but it is now doubling to 80 per cent. Even so, it remains lower than the debt level in Italy—although by some measurements Italy's economy is now bigger than ours, and our total debt is still rising faster than Italy's.

It is also true—and in this the Chancellor, the Prime Minister and others have a point—that by historical standards Britain's debt looks manageable. It may be rising to 80 per cent. now, but we have just been hearing from the right hon. Member for Birkenhead about the consequences of 1945, when our total debt as a percentage of GDP stood at a terrifying 250 per cent.

The second world war is always rightly portrayed in terms of the human casualties that were suffered, but until I saw that figure I had not fully appreciated the terrifying scale of indebtedness that we as a country faced at that time. We may be broke now, but we have been three times more broke in the past.

Mr. Cash: Given my earlier remarks about the true level of debt, would the hon. Gentleman be surprised to hear that aggregating the bank bail-outs—never mind the cost of the RBS-Lloyds deal that was never even disclosed—would put the actual liabilities in the region of £3.84 trillion? He has just given the figures for 1945, but that sum is equivalent to 274 per cent. of GDP.

Mr. Browne: The hon. Gentleman makes a valid point. I shall not comment on his specific statistics, but merely observe that I am painting the rosiest picture that I can of the current state of the public finances.

Mr. Redwood: Does the hon. Gentleman agree that there is another very big difference between 1945 and now? In 1945, it was decided by common acclaim to get the deficit down by sacking, through demobilisation, almost 1 million public officials who were in the Army or serving the Army. The Government are not about to do the equivalent now.

Mr. Browne: There is another, slightly more obvious difference between now and 1945. Then, we had run up a spectacular debt that changed Britain's place in the world, in many ways for the worse. It left us vulnerable and led to years of rationing and hardship for households right across the country, but we had something pretty spectacular to show for that greater debt—we had defended ourselves against an unprecedented threat to our freedom and independence. Sixty-five years later, it is somewhat harder to work out what the current Prime Minister's monumental achievement from our rising debt is.

Instead, our Prime Minister today stands metaphorically on the observation deck of the new Burj Khalifa skyscraper. Lifted high on a mountain of debt and hubris, he surveys a scene of economic depression and endless desert.

Mr. Graham Stuart (Beverley and Holderness) (Con): The hon. Gentleman is right to follow the right hon. Member for Birkenhead (Mr. Field) in emphasising the severity and seriousness of the current situation, but the big difference between 1945 and today is that then the war was over and the expenditure on it had finished. In contrast, the unsustainable level of expenditure that we have today has not finished, and there does not appear to be any credible offering from the Government as to how they are going to bring that expenditure under control. We just have this Bill, which halves not the overall debt but just the rate at which we will increase it. That is no real solution at all.

Mr. Browne: The hon. Gentleman is right that our debt-to-GDP ratio fell, in a good way, quite markedly after the second world war. Nevertheless, it is still true that we have previously been in territory where that ratio has been well over 100 per cent. We are not in that position at the moment.

Kelvin Hopkins: I am glad that the hon. Gentleman has referred to 1945, because we had a wonderful Labour Government who brought us out of that terrible time. Does he agree that, instead of deflating our way out of the massive problems that we faced at that time, we grew our way out of them? We did not spend our time talking about what we had to cut: in fact, we created a national health service, for example, in which we spent more.

Mr. Browne: Perhaps I should avoid a protracted historical discussion, although I always thought that the hon. Gentleman's favourite Labour Government were in office during the period of achievement from 1976 to 1979. However, we have managed to identify another one whom he holds dear to his heart.

I was talking about the Prime Minister standing on deck looking at the consequences of his policies. In that economic desert, we find before us this Fiscal Responsibility Bill—a pathetic and dangerous piece of legislation.

It is pathetic, because we should not need a new law to make the Government do their job. We just need the Government to do their job. The Chancellor is like a man with a new year's resolution to lose weight. He knows that he desires the outcome, but he doubts his ability to make the disciplined decisions that are necessary. He therefore passes a law requiring himself to lose weight, confident in the delusion that he can now tuck into a diet of endless doughnuts and pork pies. As people across the country are daily discovering to their dismay as they examine their discarded gym memberships and low-fat cookery books, there is a world of difference between resolving to do something and having the fortitude to see it through.

The Chancellor has flunked the difficult decisions at every turn. The media were briefed that December's much delayed pre-Budget report would be bristling with tough choices. It did contain an announcement from the Chancellor on pay restraint, as well as the bizarrely counter-intuitive set of higher taxes on employing people, but it then emerged that the extra spending in the PBR added up to more than the extra revenue that would accrue. As in the Prime Minister's Labour conference speech, the goodies kept on coming, but these really were empty promises.

What was the result of the PBR? Having previously said that the deficit this year would be £175 billion, and after announcing a slew of supposedly tough choices in

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the pre-Budget report, the Chancellor was able to announce that the deficit would now be £178 billion, falling next year—during a period when the economy is forecast to grow in all four quarters—to £176 billion. That is why, speaking as a man still just in his 30s, I know that our national debt will not reach 40 per cent. again until I am in my 60s. The Chancellor's legacy is a burden that blights an entire generation.

It is not an enviable record, but the Chancellor has at least one partial admirer. I was reading *The Economist* over Christmas. Its edition of 19 December identified the "Heroes of New Labour". Underneath, it added, "Yes, there have been some". There are, to be precise, five heroes of new Labour. None are current MPs; two have died, sadly; and one, Lord Adonis, experienced his finest hours as a member of the Liberal Democrats. The Chancellor is not one of them, but he warrants a footnote under the heading "The nearly men". The article says:

> "By stubbornly keeping his job, Alistair Darling, the unfortunate Chancellor, probably prevented a desperate fiscal plight from becoming even worse under a putative successor."

His biggest legacy, his entry to the new Labour hall of fame, is to have prevented the right hon. Member for Normanton (Ed Balls) from making a bad situation even worse. We are all genuinely grateful, but the Chancellor's hopes must have been so much greater as he walked into this Palace as a new Member of Parliament many years ago.

The Bill is not only pathetic but dangerously wrong-headed. How can we know what the world will face in 2016? We may confront the scale of threat to our national security that demands the wholesale economic sacrifice that helped us to win the second world war, which we have discussed in this debate. What are we meant to say if that happens—"Sorry, we are not fighting. We can't due to our obligations under clause 1 of the Fiscal Responsibility Act 2010"? We may face another recession—it is entirely possible; the so-called double dip scenario. We all hope that it is unlikely, but it is entirely possible. What then? What are we meant to do? Are we meant to say, "Sorry, all the hospitals are going to have to close. That is our obligation under clause 1 of the Fiscal Responsibility Act 2010"? The Chancellor said today that that would not happen because the Chancellor of the day would come to the Dispatch Box, rip up the Act and say, "Don't worry, I never meant it in the first place." That raises the question why we are all here pretending that this is a serious piece of legislation.

We need real determination to plot a path to sustainable recovery, and that requires real political leadership. So how dispiriting it is that the so-called official Opposition woefully fail to match the scale of the task before us. The Conservative shadow Chancellor, in his speech to his own conference, made a virtue of his supposed resolution. It was an interesting speech, but as he confirmed his intention to target big tax cuts on the very richest households, he told us:

> "We are all in this together."

As I watched the television and listened to his speech, I was initially reminded me of the immortal question asked to Debbie McGee—to paraphrase: "What first made you sceptical about the shared austerity message of millionaire George Osborne?"

The shadow Chancellor went on to say that he had identified £7 billion-worth of savings. Let us leave aside for a moment the fact that some of those were costed in 2020 prices and failed to match any sustained scrutiny. This is the crucial bit. The Conservative shadow Chancellor went on to say:

> "Anyone who tells you these choices can be avoided is not telling you the truth."

But that was not really the truth. We have a structural deficit of about £85 billion, so what the Conservative shadow Chancellor told us was perhaps at best one 12th of the truth. It might have been up to a point the truth, but it certainly was not the whole truth and it certainly was not nothing but the truth. Instead, just yesterday we had the Conservatives splashing £400,000 on posters claiming that they would aggressively cut the deficit, but they gave no specific proposals except a single pledge to spend more.

Mr. Gauke: Those of us who were listening carefully to my hon. Friend's speech at that party conference will know that he stated that we did not claim that we had set out a full policy. What he announced was not going to address the full structural deficit, but we had provided an indication. Given the criticisms made by the hon. Gentleman, does he have a full plan to address an £85 billion structural deficit?

Mr. Browne: Let me come to our proposals in just a moment. People will be keen to hear them.

Lorely Burt: Given that 70 per cent. of the deficit is structural, and therefore pre-dates the current financial turmoil, does my hon. Friend think that a Bill that provides no detail about how the Government intend seriously to tackle the problems with the public finances demonstrates any fiscal responsibility at all?

Mr. Browne: I accept my hon. Friend's point. The Bill is near to worthless, but it is a valid point that the Conservatives have just spent a lot of money on a poster campaign across the country that does two things: says that they will try to tackle the deficit and identifies one measure that does nothing to tackle the deficit. That is the point that the right hon. Member for Birkenhead was making. If anything, the deficit would be even greater were the Conservatives' proposal to be implemented. This is the new, cool Steve Hilton-aroma Conservatism, pointing in different directions at the same time. It is what Tony Blair called triangulation and the third way, what fashionable Cameroons call red Toryism and the rest of us call an abdication of leadership. I do not doubt that the Conservative leader's greatest priority is the NHS, but he does not mean the national health service; he means the Notting Hill set.

Philip Davies: The only interpretation that anyone can put on the hon. Gentleman's remarks is that the Liberal Democrats propose a huge cut in spending on the NHS. By how much does the hon. Gentleman's party think that the NHS budget should be cut? Everyone would be interested in that.

Mr. Browne: We are getting to the interesting nub of the argument. We are saying that there is not a good reason to ring-fence Departments. That does not necessarily mean that the Department of Health would be cut, but the implication of the Conservatives' policy—*[Interruption.]* Hon. Members should hear me out; I am doing the hon. Gentleman the credit of taking him seriously. The implication of his party's policy is that the cuts in schools, police and our soldiers in Afghanistan would be greater, deeper and more fundamental than they would be if all the Departments took the burden of the deficit reduction. That has got to be the case. If the Conservatives would make the cuts across a smaller number of Departments, the cuts would have to be deeper to make up for the fact that some had been ring-fenced. That is a serious question that the Conservative party will have to explain to teachers, police officers and many other public servants and people who use our public services.

Stewart Hosie: I know that the hon. Gentleman is getting dreadfully angry. There is a big fight between the Liberals and the Tories in his seat in the south-west, and it is all dreadfully vexed. The hon. Member for Solihull (Lorely Burt) said that 70 per cent. of the deficit was structural. That comes in at about £125 billion. Scotland's share of that would be about £11 billion—the total cost of the NHS in Scotland. How many nurses and teachers does the hon. Gentleman plan that the Scottish Government should sack in order to meet the Liberals' version of cutting the debt?

Mr. Browne: My understanding is that the Scottish National Party aspires to be in coalition with the Conservatives after the general election, so they may be able to come up with a joint plan at that stage. Let me get to our deficit reduction proposals. The straightforward answer is that we are not saying that Departments should be ring-fenced. In the mind of some Members, the right hon. Member for Birkenhead may have exaggerated in his speech the scale of the threat we face, but he rightly warned of the scale of the problem, as I tried to do in the introduction to my speech. Our economy is 5 per cent. smaller than it was a year ago. We cannot carry on with all this "share the proceeds of growth"—with a robe of feel-good Conservatism, without wearing a tie—saying that there are no hard choices to be made. It is not a realistic way forward.

Mr. Gauke: I just want to be clear. The hon. Gentleman has set out the argument for cutting spending across the board, so the implication is that there would be cuts in the NHS budget under a Liberal Democrat Government.

Mr. Browne: No, I have not said that.

Philip Davies: What have you said then?

Mr. Browne: I will tell you if you listen. I said that no Department is ring-fenced. I have said not that there would automatically be cuts in every Department, but that we should not have a policy of ring-fenced Departments. I will give way to any Conservative Member who will say that all the extra money that Labour has spent on the NHS has been spent 100 per cent. efficiently and that there is no scope for finding efficiencies in the national health service. If there is scope for finding efficiencies in the NHS, the question Conservative MPs have to ask themselves is why they would cut efficient parts of schools, the Army or the police beyond a point they would otherwise need to do, to support inefficient parts of the national health service. That is a valid question, which the Conservative party, due to marketing reasons, is unable to answer.

Mr. Pelling: Will the hon. Gentleman give way?

Mr. Browne: No, I want to make some progress.

I want the deficit cut, which is why my party has consistently made bold and eye-catching contributions to our national debate on that subject. That is why in the past months we have called for pay restraint, which protects those on low incomes but would make significant savings of billions of pounds over two years. As I have just said, Britain is almost 5 per cent. poorer than it was a year ago and we cannot afford a national wage bill that pretends nothing has happened.

We have led the way in saying that some major capital spending proposals are unaffordable. We have said that households with incomes that would be the envy of the majority of people should not also be topped up with unaffordable extra tax credits. We have identified specific projects that we believe can no longer be financially justified. That is why in a Statutory Instrument Committee in February—less than a year ago—I argued against both Labour and Conservative Front Benchers that the so-called baby bonds were no longer affordable.

There was great unity among the Front Benchers of the two old parties; they were committed to the old policies, as though the deficit had never happened, but later in 2009 the Conservative shadow Chancellor, to his credit, belatedly caught up, telling his conference that baby bonds are

> "a luxury we can no longer afford."

Where the Liberal Democrats lead, others in the House follow. [HON. MEMBERS: "Hear, hear."] It is true.

I am constantly looking for new savings. I realise the enormous challenge that a deficit of £500 million extra every day poses. I was looking through *Hansard* a couple of weeks ago and I found a question from the Member who is known to the Conservative shadow Business Secretary as Philip Holland, but is better known to the rest of us as the hon. Member for Runnymede and Weybridge (Mr. Hammond). Anyone anxious about the Conservatives' plans for deficit reduction needs to understand how seriously they are taking the task. I shall read out that brief question to give the House a flavour of the magnitude of the Conservative approach to the task. The question is headed "Christmas":

> "**Mr. Philip Hammond:** To ask the Secretary of State for Wales how much his Department has spent on Christmas (a) cards, (b) parties and (c) decorations in the last 12 months.
>
> **Mr. Hain:** In the last 12 months, my Department spent £385 on Christmas cards and £1,054 on receptions. We did not purchase any Christmas decorations."—[*Official Report*, 10 November 2009; Vol. 499, c. 178W.]

The shadow Chief Secretary's job is not just to clear up the mess left by his leader; he is also asking the brave deficit reduction questions that can transform our country's prospects. I have done the calculations, and the savings identified by the hon. Member for Runnymede and Weybridge equate to 0.26 seconds of national debt—the gap between Usain Bolt and the man who finished second, with the Conservatives left on the starting blocks.

Kelvin Hopkins: I thank the hon. Gentleman for giving way, as I indicated a little while ago that I wanted to intervene.

[Kelvin Hopkins]

The core of the hon. Gentleman's rather rambling round-about speech is squeezing public expenditure—wages, capital investment and other spending programmes. Surely that will deflate the economy and raise the level of unemployment, which will make the problem worse by reducing tax revenues and increasing benefit payments.

Mr. Browne: I have acknowledged in the past, and will acknowledge again, that the Chancellor is right to be concerned about debt. He is also right to warn that it is possible to cut too deep and too quickly. Navigating a course from our current dire position to calmer waters is a real challenge for the Chancellor and for whoever is in government over the next decade or more, but it is a great political and economic challenge that requires great political and economic skill from the Chancellor, the Prime Minister and the rest of the Government. It does not require legislation of the sort that is before us this evening.

John Hemming (Birmingham, Yardley) (LD): Does my hon. Friend share my concern that although the Government have a model of the economy written in Fortran, which they will provide, they will not provide the data that go into the model? Proper scrutiny of what the Government are doing is, therefore, difficult, as is making the right judgments, such as whether we are going too deflationary. Would it not be better if the Government were to release the data that go into the Treasury economic model, to enable people to make such judgments more effectively?

Mr. Browne: It would inform the debate, although one is sceptical about the accuracy of some of the data. Recently I told the Chancellor that he had revised upwards his borrowing figures for this year. He appeared to imply that that had not happened, but I have gone back through the figures. In his 2008 Budget—less than two years ago—the Chancellor announced that borrowing for the year 2009-10 would be £38 billion. At the time, some commentators were shocked at the scale of our predicament. Later in 2008—the pre-Budget report just over a year ago—the figure for this year was revised up to £118 billion. In the 2009 Budget, we were told that instead it would be £175 billion, and now the latest estimate for the year that is about to finish is £178 billion. That gap—between the £38 billion forecast less than two years ago and the £178 billion forecast today—represents the Chancellor's credibility in forecasting and deficit reduction. We are borrowing £140 billion more this year than the worst-case scenario forecast less than two years ago.

Anyone wanting to know the worth of the legislation need only look at the helpful explanatory notes provided to us all. One line, on page 5, sums it up perfectly:

> "There are no significant financial effects of the Bill."

Never has anything been said with such brevity and accuracy in an explanatory note, or with such devastating political insight in a document that does not normally verge into that territory.

The cupboard is bare, and too much of the political debate is empty. No wonder that Labour and the Conservatives, in the initial skirmishes of the general election campaign, now both look to the Liberal Democrats for leadership and inspiration.

7.38 pm

Mr. Andrew Tyrie (Chichester) (Con): I did not think it would be possible for anyone's credibility to emerge from this debate weaker than the Government's, but after that speech I am beginning to wonder whether it is not the Liberal Democrats who have damaged themselves more in our discussion tonight. That really was a speech that missed the target entirely, if I may say so, yet it is a target that is pretty easy to hit.

The language that others have used about the Bill is overwhelmingly condemnatory—a con trick, vacuous, irrelevant; I will not go through all the quotations that my hon. Friend the Member for Tatton (Mr. Osborne) read out. The one bit I agreed with the Liberal Democrat spokesman about was when he described the Bill as a dangerous and pathetic piece of legislation.

The Bill will make bad law. It is declamatory. No explanation has been given about how it will be enforced. It will carry no credibility in the markets. Indeed, it could further erode credibility in the markets, as it may appear no more than a rhetorical substitute for the action we need. In other words, it will appear to be what it really is—mere words.

But it is not just the confidence in the markets that I am worried about and that could be eroded. Legislation such as the Bill erodes confidence in Governments and gives politicians and Parliament a bad reputation. It is corrosive of respect for the rule of law and our institutions. The Bill is, of course, a political document designed to substitute for the markets' lack of credibility for the numbers in the pre-Budget report and the Red Book about how the deficit will be filled.

That credibility deficit has three main causes. The first and immediate cause is that three quarters of the gap between spending and tax is now acknowledged, even by the Government, to be structural—that is to say, it will remain even after the effects of the recession on the deficit have been unwound. It has been created largely by explicit mistakes of Government policy in recent years, not by the crisis. The policy in question is the Brown spending binge that fuelled the boom and aggravated the bust. The Government increased public spending by much more than the economy was growing, and for many years.

Spending has increased from 37 per cent. of GDP to 48 per cent. of GDP. In some ways, that is the most dramatic change in the structure of the UK economy since the wartime measures were unwound. Many of us on the Conservative Benches warned that such rapid spending increases posed a danger for fiscal policy. When I was shadow Paymaster General, I gave several warnings myself. I pointed out that

> "we could be heading for a serious financial threat to our fiscal position".

It is, I said,

> "extremely worrying that we should be facing that threat at this point in the cycle."—[*Official Report*, 17 March 2005; Vol. [illegible], c. 487.]

The second cause of the credibility deficit—I said that there were three—is the sustained lack of transparency in the Government's accounts. If the markets cannot be sure of the Government's figures, they will fear the worst. Examples of the impenetrability of the accounts are legion. What really is the scale of the Government's liabilities? We cannot be sure. We have had some discussion of that this afternoon. It will fall to an incoming Conservative Government, aided by the office of budget responsibility, to find out.

The third main cause of the collapse of credibility has been the emphasis in presentation on language rather than substance, and spin before action in the conduct of fiscal policy over a substantial period. The Bill is just one further illustration of that phenomenon—a phenomenon that we have had to endure for years. For example, we now know that the so-called fiscal rules were mere words. Their credibility was shot when the Prime Minister, who was then the Chancellor, fiddled his start date for the business cycle in July 2005, immediately after the election, in order to avoid admitting that he was breaking his own fiscal rule. Empty economic rhetoric has been the Prime Minister's stock in trade for a long time. It was, after all, the Prime Minister who, as Chancellor, as late as 2007 said in the House that

"fiscal discipline is the foundation of the strength of Britain's finances."—[*Official Report*, 21 March 2007; Vol. 458, c. 816.]

Handing the assumptions in the Red Book to the Comptroller and Auditor General of the National Audit Office for supposed vetting was another gesture that eroded credibility. It sounded good but it was an insubstantial thing to do, as the markets soon discerned and as the Comptroller and Auditor General more or less admitted in evidence in public session in a Committee. In the end, it has only made Labour's credibility problems even worse.

I said at the beginning that the three main causes of the credibility deficit—the structural origins, the lack of transparency, and the empty rhetoric—cannot be addressed by Labour's current measures, but they can be assuaged by other practical steps. First, on the structural gap between spending and tax, the obvious answer is to set out how the gap will be plugged. That is what we have just been discussing with the Liberal Democrats.

In practice, that means explaining how public spending will be cut. It means reversing a proportion of Labour's spending binge. But Labour have done the opposite. They have announced increases in spending of £3.5 billion and they have even cancelled the spending review. That leaves a gaping hole in the credibility of Labour's overall financial policy.

Members of the Conservative Front-Bench team have been courageous in coming forward with a number of tough measures in recent announcements and have talked of an age of austerity. It is fair to say that the Conservative party has gone further than either of the other two in making a clear case for the reality of the situation—the reality that we will have years of very difficult fiscal policy before we can get overall financial policy back on an even keel.

More will need to be done by us from within Government, where I hope we soon will be, to find out the true scale of the deficit and to make it fully transparent. Then an analysis of the relevant merits of various additional measures can be done with full civil service support. I cannot stress too strongly that it is only by working with civil servants, drawing on their expertise and reviving a Whitehall culture of thrift, which has sadly been lost, that we can hope to restore Britain's public finances. The main reason for the binge was political, but a major subsidiary reason has been Labour's failure to mobilise Whitehall to the cause of the efficient use of public money.

The second point that I want to make in this respect is on the credibility of the numbers on the basis of which decisions will be taken. Have Labour really been cooking the books? Perhaps scarcely at all. Perhaps a lot. We do not know. Twenty years ago I left the Treasury and went to spend a very enjoyable year at Nuffield college, Oxford. There, among other things, I wrote a short book on public expenditure and fiscal policy. Two of the suggestions in that book, eventually published in 1996, were to create an independent national statistical office and to create a fiscal policy committee charged with the task of producing the forecast and thereby bolstering the credibility of the Government's accounts.

From the Front Bench a little over five years ago, I worked up those proposals at the request of the then shadow Chancellor, my right hon. Friend the Member for West Dorset (Mr. Letwin). They were subsequently published as "The Independent Fiscal Projection Committee" and "A Framework for Statistical Independence". The Government responded to the first after the election by giving independence to the Office for National Statistics, but the second pillar of the plan was wholly ignored by the Government.

I was delighted when my hon. Friend the Member for Tatton took up the latter idea. His proposed new body, which he has called the office for budget responsibility, goes further than I proposed in 1996—a good way further—and further than my right hon. Friend the Member for West Dorset suggested in that document. I believe that what my hon. Friend has proposed will contribute to the economic credibility needed to reduce the deficit in one crucial respect, which he mentioned in his speech. It will put the Government at one remove from the forecasting business, with all the temptations to fiddle the forecasts that can come with that.

Those two measures that I spoke about earlier, a credible plan to reduce public spending and a credible, independent, depoliticised and verified forecast, will act on the credibility deficit. That is important because, as the right hon. Member for Birkenhead (Mr. Field), who is no longer in his seat, pointed out, the credibility issue is not about mere words. It comes with a price tag, potentially huge in terms of loss of market confidence in plans to fund the deficit and service the debt stock. It is the Governor of the Bank who told us that the deficit, at nearly 13 per cent. of GDP is "truly horrendous". The debt stock will have doubled as a percentage of GDP to nearly 80 per cent. shortly, as the spokesman for the Liberal Democrats, the hon. Member for Taunton (Mr. Browne) pointed out.

Even if credibility is eroded only to the extent that it represents, say, 50 basis points on debt servicing costs, we are talking about billions and billions of pounds in higher taxes or lower public spending for a generation. Even more perilously, the loss of credibility could manifest itself in a collapse in people's confidence in the currency.

Mr. Cash: I congratulate my hon. Friend on his prescience and look forward to reading the pamphlet that he produced at Nuffield college, Oxford, because it sounds very interesting. He mentioned thrift, but the issue is not just about efficiency. Does he agree that however much we develop models and look at the bond market, at credit risk and at the rest of it, until real change is made, the scale of the problem will require an adjustment on the statute book to the duties that are

[Mr. William Cash]

imposed on all public authorities? That is a serious and difficult problem, but it is one that we will have to address. We cannot go on imposing legal duties, with which local, national and public auditors are required to comply, and at the same time step up the amount of legal liability that we impose on all of those public authorities.

Mr. Tyrie: My hon. Friend returns to a point that he made in an earlier intervention. I listened to it carefully, and I probably agree. The Americans deal with the same issue using their distinction between discretionary and non-discretionary funding in the federal budget.

This debate takes place against the backdrop of an election. The respective claims of the major parties on the public finances will come to the fore, and the danger is that there will be a bidding war. Each party will claim that it can do more than its opponent to tackle the deficit, with less pain than its opponent. That will not make for an enlightening election. It could lead to a further erosion in the credibility of politics and politicians, to which I alluded at the beginning of my remarks.

I am grateful to my hon. Friend for mentioning my book. In it I suggested a way out of the problem—a way that might bolster rather than erode the credibility of respective claims of the parties, particularly at election times. My proposal was quite straightforward: in addition to creating a fiscal policy committee, which is similar to the proposed office of budget responsibility, I suggested that to bolster the credibility of the Government and Opposition parties' policies on tax and spending in the months prior to an election, that body should examine all their pledges and come to a view about the bottom-line effect on the deficit.

It would be quite reasonable to ask that institution to undertake that work for any party registered under the Political Parties, Elections and Referendums Act 2000 and to publish the assumptions on which it came to its conclusions about the scale of the parties' pledges and their implications for public borrowing. If it did that it would concentrate the minds of politicians when they make exaggerated claims on economic and financial policy, especially at election time. Such a measure would raise the quality of debate in elections and of public discourse about economic matters between elections, giving the public greater confidence in the statements of politicians.

A major Opposition party might be reluctant to subject itself to such scrutiny, but what credibility would such a party have? It might supply inadequate information about its policies, thereby preventing meaningful costings to be made by the office of budget responsibility. If it did, the OBR should say so and let the electorate draw its own conclusions. At election times, such a measure is still achievable, even if things have to be done in more of a rush. The Government's costings would be largely straightforward: after all, one function of the OBR would be to have a firm grip on Government pledges. In any case, before the Government went to such a committee, they would have available to them the full resources of Whitehall in order to cost any additional pledges that they wished to unveil in their manifesto.

As for the Opposition parties, any party worth its salt and challenging seriously for power would want the credibility of its economic plans endorsed by the OBR. The party would be likely to engage with the office well before it published its manifesto, and it should be permitted to do so confidentially. In Committee I intend to table an amendment to give effect to this proposal, and I very much hope that it secures cross-party support.

The agenda of British politics has been set by Labour: it is to repay Labour's debts. That will be a huge and painful undertaking, affecting the entire British population. Labour's only hope of restoring confidence in itself would have been to set out the spending measures required to plug the deficit. That is Labour's duty, after all: it is still in government. But even if it had done so, I am not sure how much weight it would have carried with the markets or with the public at this stage, because the canker at the heart of Labour economic policy derives not just from its credibility on fiscal policy, but from a deeper collapse in confidence: confidence in the Government's ability to take any correct decisions for the country—the confidence that can, in turn, be built only on the sound foundations of economic competence.

When the economic history books are written, the writers' pens will above all linger not on the Government's intentions but on their incompetence. How was it that a Government inheriting such a strong economic legacy could have so easily squandered it? How was it that so little could have been bought with so much extra public spending? Even two years into this crisis, Labour still tries to return to the tactics of the past decade—the tried and failed tactics of rhetorical devices, which we have in this Bill, as a substitute for something solid. The Bill's title could usefully serve in one of those history books as the heading for a final chapter. It could read: "All credibility gone: the Fiscal Responsibility Bill is brought to the House." It would describe willing the end without the means and yet another addition to the catalogue of gesture politics.

The decision to postpone the spending review has been crucial. Those who argue that the Bill is merely a cheap political trick to avoid disclosing the pain that Labour would have to inflict on the electorate get at only half the truth. The Government appear to have no notion of how to implement the measures required to give effect to the good intentions of the Bill, and that is symptomatic of so much policy making over the past decade. Their response to any problem has all too often been to seek to legislate it out of existence, and, when disappointment has inevitably followed, the tendency has been to blame others, especially Whitehall officials, and the wider public service, for a so-called "failure to deliver". We have therefore had a succession of initiatives, most of them equally misguided, seeking to deal with the problem through efficiency units, a succession of studies, the tsars and so on.

Ministers hoped that those measures would compensate for Whitehall's alleged shortcomings, when the shortcomings that mattered were really much closer to home. It is the bankruptcy of ideas and, above all, of understanding how to translate intentions into action, more than the financial bankruptcy, which this Bill illustrates.

7.58 pm

Mr. John Redwood (Wokingham) (Con): I remind the House that I have business interests with a multinational industrial company and an investment management company.

I rise to remind the House that the big financial crisis through which we have been living was in origin a crisis of borrowing too much. The Government now admit that their regulators were asleep on the watch, and that banks borrowed too much. It is clear that individuals and families borrowed too much. They felt that they had to because the erratic and expansionary monetary policy followed on both sides of the Atlantic fuelled a house-price boom and took houses and flats ever more beyond people's reasonable expectations of being able to service a mortgage. They were dragged into borrowing too much to meet those giddy house prices based on the monetary excess that the Government and their agents had unleashed.

Industry and commerce also borrowed too much, and in some cases, particularly under the private equity model, the levels of leverage for companies were very high and made it difficult for them to trade profitably and successfully. Yet the Government, who tell us that the private sector sinned and borrowed too much, now seem to believe that the way to correct the problem is for the state to borrow too much in its turn.

My first message for the Government is that we cannot solve a crisis of over-borrowing by borrowing too much in the state sector. We cannot resolve the British state finances by underwriting every bad debt and every bad loan throughout the banking system—we have to get the banks to sort it out and to take more of the hit. This Government have dragged the taxpayer and the state into accepting far too much risk and far too much debt obligation. That is why we are now on the verge of another nasty phase to this long and tragic financial crash: the phase when the state is made to realise that it is borrowing too much, and the markets and others force the state and its agents—the Government of the day—into getting their own house in order because otherwise they will find that they cannot borrow at anything like a sensible rate, if at all, or on the scale that they wish.

I think it is agreed ground between the three largest parties in this House that the deficit is too large, that it is growing too quickly, and that it needs to be controlled within the next four to five years. It seems that the principal disagreement remains between the Government and the rest of us about the timing of when to start to control borrowing. It is less painful to start to control borrowing now than to leave it for another year. It will do less damage not to have borrowed another £200 billion before deciding to give up the bad habit. If someone is an alcoholic, the time to stop drinking is today—it is not a good idea to have another year of drinking very heavily and damaging their liver. They know they have to tackle the issue, so why not start now? They may then discover that they have a longer and happier life, because there is life after alcoholism, as all those of us who are not alcoholics are pleased to report to anyone who might be in doubt.

We have to say exactly the same thing to this Government about borrowing. There is life for a Government after borrowing too much. It can be a very good life where the economy will function better, not worse—a situation where the public services are better run, not worse run, and where if they put quality, efficiency, productivity and performance into their vocabulary when managing the public services, they may well discover that they can run them better and provide more for considerably less input than the current costs. As my hon. Friend the Member for Chichester (Mr. Tyrie) remarked, one of the extraordinary things about this Government is how they managed to spend so much money to so little effect; that is the tragedy that we have to tackle. Unfortunately, the Bill is not the means to do that, as my hon. Friend the Member for Tatton (Mr. Osborne) pointed out with great humour and aplomb in noting that it sets out to have the Treasury controlling the Treasury. Why should the Treasury need to control itself? Why can it not run self-disciplined budgets in the normal way? Why can it not use the existing mechanisms of pre-Budget reports, Budgets, forecasts and economic reports to this House to provide the discipline that is required?

I should like to pause for a little on the details of the Bill, which I hope will be substantially amended if we have to go through the rigmarole of legislating it at all. It is bizarre in its own terms and seems to be against the run of the advice that the Chancellor has regularly given us on how to run an economy in trouble. Clause 1 tells us that in

> "each of the…years 2011 to 2016, public sector net borrowing expressed as a percentage of gross domestic product"

has to fall compared with the preceding year. To ensure that it falls by a reasonable amount, there is the added rider in subsection (2) that it needs to halve by 2014. That means, as I reminded the Chancellor when he was here earlier, that in any given year borrowing could go up. That is even true in the period when one is trying to halve borrowing, because one could leave it all to the end and suddenly have very big cuts in the last year or do it all earlier and then have greater freedom. Because it is expressed as a proportion of income, there could be individual years when borrowing was going up, assuming that the economy was growing. Perversely, however, if in that period we had another unfortunate year when the economy was not growing, it would be necessary to reverse and to cut borrowing in cash terms. That is the exact opposite of the natural stabilisers that the Chancellor has always told us are very important, as Conservative Members have accepted. We agree that the natural stabilisers are important if one gets into a position where there is such a big fall in output as this Government have presided over. The Government should change this and come up with a formula that recognises that it is necessary to take into account the state of the economic cycle.

The second part of clause 1 contains the most important part of the whole proposition—that borrowing should be halved as a proportion of gross domestic product. Given that under current economic policy we are not going to get much growth, that means that it is necessary, roughly speaking, almost to halve the current cash deficit, so we are talking about somewhere between £80 billion and £100 billion of spending cuts, tax increases or some combination of the two. There is always a temptation among those on the Labour Benches to believe that tax increases are the better option, but if they choose the wrong tax increases they could make the position worse. If enterprise is taxed too much, there will be less of it and they may end up with less revenue. They also like to tell themselves that if only they could at last get to grips with tax evasion and avoidance all our problems would be solved, whereas after 12 years of their trying to do that, all the evidence shows that it does not solve the problem as it is a very small part of a much bigger problem.

[Mr. John Redwood]

We cannot get away from the fact that in order to cut the deficit by this magnitude, even under a Labour Government with some strange tax plans, most of the burden would have to fall on public spending, and trying to cut public spending by £80 billion to £100 billion has proved to be difficult in the past. The Government clearly find it impossible because they have produced a Bill for the House of Commons demanding that we do this, yet there is not a single item in the supporting papers or speeches to tell us how they would achieve it. Worse than that, they have cancelled the normal public expenditure review setting out detailed plans for the future because they clearly find it too difficult, too embarrassing, or both, to have to admit that the large chunks of money that they have committed in the past are no longer affordable and perhaps discover that some of those chunks of money are indeed very wasteful.

Mr. Cash: My right hon. Friend is making an excellent speech. Does he agree that there is another factor apart from having to review legislation, which imposes the duties to which I have referred—that is, the need to emphasise the necessity for enterprise and small businesses from which one can generate the growth that is required in order to fill the gap? After all, not one penny of public expenditure comes from anything other than the tax revenues from private enterprise, and if we do not put our emphasis on the growth of small businesses and enterprise companies, we will not be able to close the gap, which makes complete nonsense of this ridiculous Bill.

Mr. Redwood: My hon. Friend is absolutely right. We clearly need a lot more growth; I think that that is also common ground between the main parties in this House.

The evidence of our past successes and failures as a country is very clear. When a Government have had the courage to cut the marginal rates of income tax on people of enterprise and investors and to cut the rates of profits tax and other taxes on employment in small businesses, there has been a proportionate improvement in the growth rate and an increase in the tax take from those sectors. Governments who have gone for extremely high penal rates of tax on the rich, the successful and the potential investors who might do something to improve our economy have had the reverse experience. They have discovered that growth has slowed or gone into reverse, and that lots of bright and talented people have gone abroad because they do not wish to pay such tax at all. That would be even more true today in this extremely footloose globalised world. Surely we should learn the lessons of the '70s, when Governments had high taxes and it did not work, and the '80s, when they summoned up the courage to cut the taxes and it started to work rather well with the enterprise policies that were introduced. The same has been true all around the world. Wherever a country has had the courage to set very competitive tax rates on enterprise, business, success and investment, it has found that it gets a lot more revenue in.

As I always try to tell the Labour party, the best way to tax the rich—I would like to tax the rich more as well—is to cut the tax rates, because we then have more rich people in this country who pay more tax, because it is less worth while to pay for all the accountancy advice to get around it, and venture more of their money. This morning I spoke to a successful entrepreneur who told me: "I'm on strike. I was a successful entrepreneur. I sold my company because the climate was becoming so hostile in this country. I managed to sell up before the crash. I have no intention of going back in because they're making the climate even more hostile—I'll sit on my backside and do nothing for a bit."

Mr. Pelling: I know that it is politically difficult to say that one is in favour of bringing the 50 per cent. tax rate back down, but would that not be the best approach for an incoming Conservative Government so as to encourage enterprise?

Mr. Redwood: I have made a clear statement about what I believe is the way that works best, and I trust that a future Government will be wise and will want to set competitive rates of tax on enterprise, success and rich people so that we tax them more in the way that I have described. That is clear advice that I am sure will not fall entirely on deaf ears, because it works and has worked in the past and elsewhere in the world.

In clause 1, after the extraordinary claims and strange wording that I have mentioned, we go on to be told that in due course net debt has to start to fall as a proportion of gross domestic product, but only in the final year of the period. The Chancellor effectively confirmed that the Bill is drafted in that way because the Government do not believe they have any chance of getting net debt down as a proportion of our national income until 2015-16. That could well be after the next election but one, in two Governments' time rather than one. It is remarkable that they can be that precise in thinking that that will be possible by that stage. For once, I agree with their realism that, with their policies, they will not get net debt down any time soon, and not before 2015.

My hon. Friend the Member for Stone (Mr. Cash) rightly pointed out that the debt is grossly understated in the figures that the Government use. The Office for National Statistics has got nearer to the truth. I have always cited a figure of £3 trillion-plus for the true level of debt and obligations of the British state. Now that the Government have gone to the aid of banks in difficult situations and allowed the pension deficits to build up so colossally, that is the kind of figure that we would come up with if the British state account were put on the basis on which the British state puts any reputable company account. I see no reason why it should be treated differently. Clause 1(3) is pretty meaningless, because the Government will clearly carry on using definitions of net debt that no one else believes. Everybody else knows that they greatly understate the position.

That brings me to another problem with the Bill. The part about interpretation, definitions and so forth is one of the slenderest that I have ever seen in a piece of legislation. I presume that that is intentional and designed so that were there to be a future Labour Government in the time period in question, they could play all sorts of games with the definitions of net borrowing and net debt if things went wrong, just as Labour played all sorts of games with the cycle and the definitions of the golden rule in its earlier years in Government. The Bill is shoddy and unacceptable because there is no professionally and internationally agreed definition of the debt and borrowing that they are trying to measure. Doubtless they would want to leave quite a lot out by anybody else's standards of financial reporting.

My hon. Friend the Member for Tatton made mincemeat of the Treasury imposing a duty on itself and of the fact that there are absolutely no sanctions on anyone involved in this sorry charade. It is not so much a case of Ministers giving themselves a "get out of jail free" card in case something goes wrong as giving themselves a card that says that no Minister ever goes to jail or suffers any other penalty of any kind, however bad, grotesque and wrong their implementation of the policy.

The Bill is a worthless piece of paper and an unnecessary intrusion into what should be a serious debate. It will not take a trick with the bond markets in the City or with anybody in this place other than a few Labour loyalists. It is a political prank, an expensive press release. It is wasting the time of the House and it is completely unsubstantiated by any plans.

Mr. Osborne: Say what you think!

Mr. Redwood: My hon. Friend tries to tempt me to be a bit more outspoken, but the House knows me all too well—I am not characteristically outspoken.

I return to the divide on the timing of the reductions that the Bill requires. The Government's case is that they should delay the reductions for about another year. That is felicitous, because it will get them through the general election period and put all the burden of the cuts on to a future Government, but perhaps they actually believe what they are saying. Maybe they believe this neo-Keynesian nonsense that they have come up with that the only thing that is sustaining the economy is the excess public spending and borrowing, and if they started to reduce it now, it would plunge the economy back into a nasty recession. I have some simple questions for them about that. If all this public spending and borrowing is so good, why is our economy still in recession, as the Chancellor admitted from the Dispatch Box? Why is it the only main economy in the world that is not out of recession? As they have made so much more of the matter and are borrowing so much more as a proportion of national income than most competitor and comparable countries, one would have thought from their analysis that we would be romping out of the recession ahead of the others. Instead we have been mired in it for all too long. Let us hope that we are now coming out of it. There is evidence of some revival in the private sector, which is most welcome.

Another problem that the Government have with their punk Keynesianism is the idea that all this spending is somehow not getting in the way of borrowing and spending in the private sector, which of course it is. The only individuals and institutions in this country that can borrow on the scale that they want to at the moment are public sector ones. The Government have developed a sort of recycling machine whereby money is lent to the banks, who lend it back to the public sector, and the Bank of England prints the money just to ensure that the Government can afford to buy all the debt that they are creating to route through the public sector.

The Government have a public financing system on a merry-go-round of borrowing and buying debt, particularly using the publicly owned banks, at the expense of everybody else. The small business people I speak to in my constituency and elsewhere tell me that it is still a nightmare trying to get the borrowing that they need to carry out their business, let alone expand it. Individuals are still finding it extremely difficult to borrow money that they might want to start up a business or buy an asset that they could productively use.

Angela Watkinson (Upminster) (Con): My right hon. Friend stresses the importance of small businesses, which create local jobs for people who are unemployed. Once people are employed they pay tax, which goes into the Treasury, instead of living on benefits that come out of the Treasury, so it is a double whammy and a double benefit to the Treasury and the community.

Mr. Redwood: I wish the Government would consider seriously the people who are unemployed and would like to set up a business of their own. They need access to bank credit, which they clearly do not have at the moment because of the distorted and broken banks and the regulation that is reinforcing that distortion. Those people also have a problem with the benefits system, and a good reform would be to make it easier for people to use the cover of benefit to get started. As my hon. Friend rightly says, we could then have a double win, because they would go off benefit altogether at a certain point and we would have tax revenue coming in as they started to pay themselves a salary or an income from their business. I hope that that point will be considered.

The Government are in a hole with their argument that all this public spending and borrowing is sustaining the economy, and that it would relapse without it. They have against them the problem of international comparisons, but also that of historical comparisons. If we look at recoveries from previous, rather shallower recessions in this country, we notice a certain common characteristic. Usually, the recovery got under way when the Government of the day admitted that they had a budget problem and took action to control the budget deficit through a combination of tax increases and spending cuts. In 1981, famously, quite big reductions were made in spending to curb the budget deficit, and from the day of the announcement of those cuts the economy accelerated away into one of its long and successful periods of growth. Something similar happened after the exchange rate mechanism disaster of the early 1990s. Again, it was when the Government got a grip on the deficit that we ushered in a very long period of expansion under two different parties.

Mr. Philip Dunne (Ludlow) (Con): Does my right hon. Friend agree that, in addition to the Government's historical problems, they have a current difficulty in that they seem incapable of securing the support of a single Back Bencher for the vital debate on the most pressing problem that faces this country? Only those Back Benchers who support the Opposition, not the Government, have spoken.

Mr. Redwood: That is a wise observation. Only one Labour Back Bencher is even present to hear of the Government's travails.

Stewart Hosie: The right hon. Gentleman makes an interesting point about recovery from the 1980-81 recession. He will of course recall that, even after its technical end in 1981, unemployment continued to rise for three full years.

Mr. Redwood: That is a sad truth. All of us who lived through that were miserable about it, but it was good that we started to recover. The evidence shows that cutting public spending did not impede, but enabled the recovery. I remind Labour Members of Conservative Front Benchers' main claim on that point: we do not recommend spending cuts because we want to cut spending; we have come into politics because we want good public services—obviously, all politicians like to be involved with success in public services—but we believe that cuts are now essential because of the interest rate threat, which my hon. Friend the Member for Tatton correctly identified.

The reason that Governments had to make cuts—and, in some cases, provide for tax increases—to get out of previous recessions was that, if they had not controlled the deficit, the deficit would have controlled them. If we do not control the deficit, it will exact an extremely high price on the rest of the British economy in the form of much higher interest rates and rationed credit, when we need low interest rates for longer and a more plentiful supply of credit from the private sector to get the productive economy moving again.

Our problem is that we have a banking crisis and a crisis of over-borrowing. If we persist in over-borrowing in the public sector, we will not strengthen, but undermine or weaken the recovery. We will make progress more difficult, delay the necessary action and when the cuts—forced by market crisis, collapse of sterling or a bond crisis—eventually come, they will be more rapidly administered, more brutal and less well thought through. It is far better to plan and start to take action now so that the markets begin to say, "Ah, they are serious; they understand it. We can give them a bit of time because we now know that they want to get on with it."

If we constantly repeat, "Tomorrow, tomorrow—mañana, mañana", the markets will not believe a word we say, our interest rates will continue to rise, as they have done in the past year, and our currency will continue to fall, as it has done in the past year. The Economic Secretary appears to think that that is funny. He should wake up to the reality over which the Government are presiding. Interest rates should remain low—we do not want them driven higher by market movements. Our currency is being driven lower, and we need a floor in sterling before the situation gets out of control. I hope that the Treasury sees the need for that. It would be good if it could persuade the Prime Minister—the First Lord of the Treasury—that he also has some duties, and that he does not fulfil them by tarting up a few words as a Fiscal Responsibility Bill. He has the power to instruct the Government to start to tackle the problem.

Apart from the absence of Labour speakers, the interesting point about the Government is the absence of any commentary on how they might start to control the deficit by controlling public spending. Let me begin with an observation and then make an unpopular comment. A substantial reduction can be made in the number of people employed in the public services while delivering a good level and quality of public service in crucial areas. We currently do too many things badly. The Government have recruited another million public sector employees in the past 12 years and they have not always chosen well the roles into which to put those people. Often, they have complicated and made the process of public service delivery less efficient by over-recruiting in the wrong areas.

The first thing I would do to try to tackle the deficit is put a control on all new recruitment. Every year, 5 to 10 per cent. of public employees leave, find better offers, retire, go off to have children and do not want to return to work. That means that the work force can be reduced quite rapidly over four or five years without compulsory redundancies and the costs and disruption they bring. If one has a strongly enforced natural wastage policy, one can give one's existing public employees much better chances of promotion and career development because some posts will need filling. They tend to be more interesting and better posts, so people can be accelerated into them and that can create a better life for them. We need to control our costs and do more with less. The biggest cost throughout the public services is that of labour.

Of course, we need all the teachers, nurses, doctors and uniformed personnel that we have—I am not talking about those front-line jobs. However, most public employees are not in those jobs. We can introduce better processes, ensure that we do more with less and simplify the tasks. If we simplify the regulatory system, we need fewer regulators; if we simplify the tax and benefit system, we need fewer people clerking and administering those systems. That is what we need to do. Any company would do it when faced with the need for cuts on a proportionate scale that the Government face.

Companies do not immediately ask, "How can I cut my most important service to the public?" or, "Can I close down all my shops to show that I'm in a financial mess?" or, "Can I get rid of all the key personnel so that I can do a really bad job?" Companies ask, "Which people can I do away with so that it's least damaging to the business? To whom can I give more authority and promote, who can then do more for less? How can I win more business with fewer people?" A company has to work like that, particularly in a global marketplace. For example, every year, manufacturing companies are normally asked by their leading customers to cut their prices because of the power of global competition. They therefore have to get on with delivering more for less. They cannot do that by skimping on quality; they must also improve their quality every year, otherwise competitors will do better for less.

My unpopular point is that Members of Parliament must show that we ourselves can do what I have outlined. As I understand it, the current expenses system budgets for every Member of Parliament to have three full-time staff. I think we can do our work with two. I do not want to be unkind to current colleagues, so I believe that we should say to all new Members of Parliament that they will get an allowance for only two full-time staff. Those who are already here can carry on with three—I do not know whether you, Mr. Deputy Speaker, employ three staff, but I do not, so I know that the work can be done with fewer—but when one leaves, the Members should move on to the system of two full-time staff. That is a minimal sacrifice that we should make to show the public sector that more can be delivered for less. A Member of Parliament can do a perfectly good job with two rather than three staff, and that makes a contribution. Armed with that moral authority, we can then approach the big parts of the civil service and say, "Look, this is what we're doing; this is our contribution, and now we'd like you to do something similar. We don't want you to take out one in three—perhaps one in 10—but we need to act to make an impact on this huge deficit."

Let us consider pensions. Members of Parliament, unbeknown to the public and unbeloved by them, have already worsened the terms of our pension scheme for everybody who is here. We have to make bigger contributions and there has been some dilution of the benefits—rightly so because the costs were large and the deficit was getting out of control. We are therefore contributing to tackling the deficit. I think we need to go further, and to say to new MPs that like all private sector schemes, the MP scheme is closed to new Members. We have to work our way through our pension problem in exactly the same way that people are working their way through many private sector problems—they have realised that they are not affordable any more, and that they have to make cheaper arrangements for new staff. We are going to have to do the same in many public sector pension schemes that are far bigger and more important than the MP scheme, but it is important to do it first for that scheme, so that we lead by example and have some moral authority when we come to tackle the problem.

There are many other ways in which we could start to curb the deficit. I have no intention of repeating speeches that I have made in the House before and of naming individual programmes and areas of work that I would like to see discontinued, such as the identity card and regional government agenda and so forth, which we could simply abolish and scrap. I am pleased to say that there are many such schemes that could be scrapped, which would start to fight the deficit.

The issue of process is terribly important. The public sector in Britain must learn to do more for less. It must learn to raise quality every year and to cut the price every year, which is what organisations in the private sector must do year after year if they wish to be successful. It is not impossible. Indeed, one of the joys for any new Government is that they will inherit such an inefficient mess that the early improvements in efficiency will be relatively easy. It is far more difficult to take over a company that has been through 10 or 20 years of such processes because the obvious, low-hanging fruit will have been taken—as private sector people would say, the obvious inefficiencies will have been squeezed out. A new Government will have many inefficiencies to squeeze out. They will have to be bold and strong and do such things in a sensible time scale and in a way that does not disrupt the rights and loyalties of existing staff. I think that can be done, and it will begin to curb the deficit.

This afternoon and this evening is, I am afraid, a waste of time and money. Parliament stands ready to do something serious, and the Government deliver a nonsensical Bill to bind themselves or their successor in a way that is not binding and incurs no penalties. What we need is a Government who know how to run the public sector. We need a Government who understand that the world does not owe us a living and that it is moving on rapidly. We need a Government who understand that industry and Governments elsewhere are far more efficient and smart, and far more able to do more for less. This Government seem not to understand that.

If we do not wake up soon, we could have a currency crisis, a bond crisis and a public financing crisis. We might then have a public sector management crisis because cuts done in panic, on a big scale and too quickly, could be very damaging. If we put the processes in place now, we might start to get confidence back and we would begin to curb the deficit earlier, which is what we need to do.

8.31 pm

Ms Katy Clark (North Ayrshire and Arran) (Lab): It is a pleasure to have the opportunity to contribute to this debate. I suspect that many of the speeches that we have heard so far will be the kind of thing that we will be hearing in debates over the coming months as we go towards the general election.

I will not be able to support the Government in a Division on Second Reading this evening, but for very different reasons than those others have outlined. I agreed with much of what my right hon. Friend the Member for Birkenhead (Mr. Field) said. He made a powerful speech and articulated very clearly the scale of cuts that we are facing, which I do not think the British people really appreciate at the moment.

In his helpful contribution, my right hon. Friend highlighted one powerful issue that we need to be aware of: the influence of market. The right hon. Member for Wokingham (Mr. Redwood) and a number of others on the official Opposition Benches spoke about the influence of the market on decisions that Governments will make over the coming period, but the irony, which seems to have been lost, is that the markets put us in this position—there was a failure to regulate, but a completely irresponsible approach by the free market put us in this situation. In my view, the Government had no alternative but to take the type of action that they have taken in the past two to three years. The Chancellor was correct that there was no alternative to taking banks into public ownership and bailing them out, and to the fiscal stimulus.

One problem is that there is an over-skewing of our economy in favour of the financial sector. In Britain, much of the financial stimulus has gone towards the financial sector. Our manufacturing base has not had the type of financial injection it has had in some other countries. Perhaps they did not go through some of the experiences that we had in the 1980s and 1990s, when we saw the demise of so many traditional industries and the flourishing of the City and the financial sector. Obviously, at times, that has had benefits for us. I am not in any way trying to minimise the huge financial input that the City and the financial sector have had into this country, but they have put us in difficult situations in the recent period.

I cannot support the Bill because of the scale of public sector cuts that will be required if it is implemented. I am simply not willing to vote to cut essential services for some of the poorest people in this country. We need to have a massive debate not only on why we got into this situation and how we ensure that it does not happen again, but on how we deal with the deficit that we face. In peacetime, Britain has never before faced such a deficit. We have only had to deal with such situations during times of war.

I do not defend every penny that the public sector spends. Anyone with an ounce of sense realises that the public sector does not do everything in the most efficient way, and some things could be done more cheaply, although in some cases more money needs to be spent to provide a better service.

Mr. Redwood: The hon. Lady says that she supported bank nationalisation. Does she think that it was right to put huge sums of money into very expensive subsidies to banks but not into failing industrial or retail businesses?

Ms Clark: Each situation needs to be looked at on its merits. With the banking sector, there was no alternative, because if the banks had collapsed, the economic situation would have been much worse, given that the economy depends on them. I would have welcomed greater support from the Government for the manufacturing sector, and I will support any such provision in the times to come. The retail sector is in a slightly different situation. There is a long-term argument for retaining a steel industry and other parts of the manufacturing sector, because we will rely on them in years to come. Once we lose those sectors, they will be very difficult to recreate. Those of us from the north and Scotland—the more industrialised areas—know of the proud industrial traditions of this country. We were at the forefront of manufacturing and development, but that is no longer the case in many sectors of the economy.

The right hon. Member for Wokingham (Mr. Redwood) talked about substantial reductions in public sector jobs. If we are to follow the advice of all the Front-Bench teams, especially of the official Opposition, we will see substantial cuts in public sector employment, which will have massive economic implications, especially in those parts of the country that are more heavily reliant on public sector jobs. As has been pointed out, if jobs are lost in the private sector, tax revenue is lost and we no longer have the benefit of the production by that individual. But the same is true in the public sector. There is a huge cost to the state in the loss of employment in the public sector and, at a time when we have to be alert to the risk of growing unemployment, any solution that involves cuts in public sector jobs is a very short-term approach.

In recent months we have had much debate about the possibility of a double-dip recession, and that is a genuine risk. It is difficult to predict when we can start to consider how to reduce the deficit, and that is one reason why I feel it would not be helpful for any Government to have the restraints in the Bill placed on them. No Government, of any political persuasion, would have been able to predict some of the economic experiences that we have had in the past three years. As a Labour MP, I do not want to see my Government constrained in that way. I want Ministers to be able to respond to events, use their judgment and do everything that they can to protect the British economy and the British people. Therefore, as a matter of principle, I am not convinced that a Bill is the most helpful approach.

However, the real reason why I feel unable to support public spending cuts of this nature is the types of cuts that they will likely mean to some essential services. I have voted against various Government proposals that have amounted to substantial public expenditure, including Trident replacement and the identity cards scheme, and I believe that there will be a range of other Government initiatives, such as the NHS computerisation programmes, that perhaps we should look at as well.

I am not saying that there are not areas of public spending that very legitimately we need to look at. Of course, we are currently embroiled in overseas armed conflict. I have never voted in the House on those issues because there have not been any votes since I was elected in 2005, but before I became an elected representative in this place I marched against those conflicts. We need to have a serious discussion about our society's priorities and values. My concern about the Bill is that yet again the poor will pay the price when those who have the power and run the show make mistakes. Bizarrely, over the past one and a half to two years, the debate has gone from being about the mistakes made by those running the banks to how we can most effectively and severely cut public spending, and of course it will be my constituents and those of every Member in this House who will pay the price.

I understand the reasons for the Government's stance. However, over the coming months we must be extremely careful in our approach towards the public sector, particularly education, health and the other essential public services on which the most vulnerable in society rely. Many of those services have been fought for by individuals and communities generation after generation, and if we start down the path of closing community halls, libraries and other services, they will not come back easily. I would like injected into this debate a discussion about not just cuts, but our society's values, and we need to say very clearly that it is not those at the bottom of the heap who have got us into this mess. As we move forward, we must also say that it is our role as elected representatives to ensure that they are not the people who pay the price.

8.42 pm

Stewart Hosie (Dundee, East) (SNP): I do not want to repeat what anyone else has said, but this is a profoundly pointless piece of legislation, because one would have imagined that the job of any Government at any time would have been to ensure fiscal responsibility and sound public finances all the time. One would not imagine that the Government would need a law to tell them to do that, and certainly not a law that will enshrine on the statute book, if it gets that far, deep and savage cuts—cuts that this Labour Government have already planned. An £800 million budget cut has already been announced for Scotland.

Only this Government, I suspect, could be so foolish as to lay out very broad and deep public spending cuts before we have a sustained and sustainable economic recovery from the recession. Only this Government, I suspect, would carve them into stone on the statute book, at a stroke sucking out the consumption and demand that has propped up the economy in the past little while and which is almost certainly necessary to ensure a further and sustainable economic recovery.

At its heart, the Bill is also dishonest. Although it is fundamentally about deep cuts—as I said, an £800 million cut to the Scottish budget has already been announced—the Government have refused to publish or carry out a comprehensive spending review. That means that we do not yet know the implications for every single one of the UK's spending Departments. We are therefore having this debate in a vacuum, without knowing the implications for ordinary people and ordinary services or for the economy more widely—the very point that the hon. Member for North Ayrshire and Arran (Ms Clark) made. It may be those at the bottom of the pile who will pay the price for this Government's economic failure.

The absence of both a comprehensive spending review and an understanding of what the cuts really mean make a mockery of the explanatory notes. The hon.

Member for Taunton (Mr. Browne), who speaks for the Liberals, mentioned this earlier, but paragraph 31 says:

> "There are no significant financial effects of the Bill."

He seemed to agree with that, but I disagree entirely. There are massive financial implications for every UK spending Department and, potentially, for almost every piece of public investment. There are also implications for, in the first instance, the incomes of tens of thousands or hundreds of thousands of public sector employees who will lose their jobs and, in the second instance, private sector employees, as expenditure in local communities is reduced, as the cuts begin to bite on public sector income and the spending power in local communities. There are also massive financial implications arising from the increased social protection costs as people are paid off as a direct consequence of the cuts.

Do the Government not understand that it was only increased Government consumption—up 2.2 per cent. last year, at a time when household expenditure fell by 3.6 per cent., when total business investment was down by 22 per cent. and when gross fixed capital formation was down by 17 per cent.—that kept the economy afloat at all? Do they not understand that to begin the process of deep and savage cuts now, before the private sector has the confidence to spend and invest, and when credit for businesses and individuals remains incredibly difficult or expensive, is economically stupid? That is the economics of the madhouse. The measures—the Labour cuts—therefore not only put faltering economic recovery at risk but, as the hon. Lady said in her speech, run the risk of pushing the economy into a double-dip recession, which is something that I know the Treasury is concerned about. I am therefore at a loss to explain why they are introducing the measures today.

As an aside, I am also at a loss to say where the Chancellor is. There were only two, very modest financial measures in the Queen's Speech: the Financial Services Bill and the Fiscal Responsibility Bill. Both are small and modest—indeed, this one really does not matter—yet the Chancellor is not even here to listen to this short debate, on one of only two financial measures in the Queen's Speech.

Before embarking on this political dividing line of a Bill—that is all it is—this Labour Government should have learned the lessons of fairly recent history: the recessions of the 1980s and 1990s. The recessions of 1980-81 and 1990-91 lasted for five quarters. This recession has already lasted for six. The declines in GDP then were 4.7 and 2.5 per cent. respectively. This recession has already taken our GDP down by 5.9 per cent. The economy took two full years after the technical end of those earlier recessions to reach the point at which the GDP recovered to pre-recession levels. As I said earlier to the right hon. Member for Wokingham (Mr. Redwood), it took three years before unemployment stopped rising after the technical end of the recession in 1981 and two full years before it stopped rising after the technical end of the recession in 1991. In the absence of the clarity that a comprehensive spending review would give, the scale of the cuts envisaged by the Bill and the PBR run the risk of replicating, or worse, the human cost, as well as the economic danger, of the 1980s and 1990s recessions.

I have been a critic of the deficit and the debt levels since before the recession and before the banking crisis. Going into the recession, I said that there was nothing in the tank, because our debt at that point was around £500 billion and due to rise. I want the deficit and the debt to be reduced, but there are alternatives to what the Government propose in the Bill. When the New Zealand Government introduced their Fiscal Responsibility Act 1994, they did so on the basis of five important principles. I shall go through them briefly. The first was that Government debt would be reduced to a "prudent" level. That principle acknowledged that the existing level of Government debt was too high—as it is here—and that the Government needed to run operating budget surpluses for a period of time to reduce the outstanding debt and the annual deficits. They talked about a "prudent" level, not about an arbitrary 50 per cent. cut in order to be able to afford an artificial political dividing line.

The second principle was that, once debt was reduced to a prudent level, the New Zealand Government would seek to maintain a balanced budget on average over the medium to long term. They did not seek to do so over one economic cycle, in which the Government would change the start and end dates to make the cycle fit the numbers, or over a single Parliament. They sought to achieve their aim using an average over the medium to long term. That was very sensible. If the Government here were to adopt that principle, they would still be able to invoke counter-cyclic measures in the midst of an ongoing debt and deficit reduction programme, if we were to hit a further significant downturn. The automatic stabilisers would kick in safely, and we would have the ability to use fiscal stimulus measures, if they were required, while we stuck to *a* medium to long-term objective of bringing the debt and deficit down to a prudent level.

The third principle was that the New Zealand Government would achieve and maintain a level of net worth that provided a buffer against unforeseen future factors. That principle recognised that factors other than explicit Government debt—such as public service pension liabilities or bank deposit insurance such as the asset protection scheme—have an impact on the fiscal position.

The fourth principle was that the Government would manage fiscal risks prudently. That called for attention to be paid to all fiscal risks, such as shifts in the demographic structure of the population and off-balance sheet state guarantees. This Bill, however, is a blunt measure to camouflage risky and damaging cuts, and it says nothing about prudent financial management.

The fifth principle was that the Government would pursue policies that were consistent with a reasonable degree of predictability in regard to the level and stability of tax rates for future years. That principle recognised the importance of tax stability for private sector planning and growth. Although this Bill is called the Fiscal Responsibility Bill, it says nothing about the important matter of tax stability.

Whether the Bill is passed or not, we might have a Budget in the spring. On the "Andrew Marr Show", the Prime Minister said that that could happen

> "if it's the right time",

which was meaningless nonsense to avoid saying yes or no. There might be a Budget in the spring, but there will be no time for a Finance Bill to consider its tax implications. There will almost certainly be an emergency Budget closer to the summer, but that will cause further uncertainty and delay. We are already seeing further tax rises, more

[Stewart Hosie]

tax changes and more tax uncertainty, all of which risk discouraging the investment that we need in order to grow the economy. Growing the economy is the real key to tackling the deficit and ending the debt, but the Bill says precisely nothing about that.

I heard the Chancellor's rhetoric earlier, but when I looked at the Bill, I wondered whether he was talking about the same piece of legislation. I also wondered, when I heard him justifying some of the measures, whether he was on speaking terms with the Prime Minister, who said on 10 June last year that

> "you cannot cut your way out of the recession".

On 21 October, the Prime Minister said:

> "The only way forward for this economy at the moment is to maintain the fiscal stimulus".—[*Official Report*, 21 October 2009; Vol. 497, c. 906.]

In *The Daily Telegraph* on 25 October, he said that

> "it would be suicidal to put recovery at risk by suddenly cutting".

Then, on 28 October, he said:

> "What sense does it make to withdraw the fiscal stimulus now…?"—[*Official Report*, 28 October 2009; Vol. 498, c. 279.]

He is, of course, the Prime Minister of the only serious economy in the world that does not have a fiscal stimulus package any more. As recently as 2 December, he railed against those who wanted "immediate and savage" cuts that would prevent Britain from recovering from the recession, yet that is precisely what the Bill and the pre-Budget report will achieve. It is precisely what the noble Lord Mandelson was referring to at the Press Gallery lunch in July, when he warned of austerity "for the next decade". When I hear the Chancellor and other Labour figures railing against so-called Tory austerity for a decade, I am reminded of the noble Lord Mandelson warning against Labour austerity for the next decade. *The Herald* reported accurately—I was there at the lunch—that

> "Lord Mandelson has raised the prospect of an age of austerity in Britain under Labour, with spending cuts… running right the way through to 2020."

What we are seeing today is the enabling legislation to do that.

The Government appear to be determined to risk economic recovery by withdrawing the lifeblood from the economy before we have a sustained and sustainable recovery. I believe that they will pay the price for that at the ballot box, but that will be of little comfort to the hundreds of thousands of ordinary people who will pay the real price for Labour's economic failure and this inflexible Bill.

I want to see the deficit and the debt cut, but I want to see that done from a position of a sustained and a sustainable economic recovery. I conclude my remarks by saying that if anyone thinks that tackling the deficit and then the debt will be difficult from a position of sustained and sustainable recovery—and it will be; there will be tough choices to make—it will be absolutely impossible from a position of faltering recovery or a double-dip recession or one that will require the kind of swingeing cuts that other Members have spoken about, made in a knee-jerk and panicked way. That is something that none of us wants to see.

I tell the Government that we will oppose the Bill today and bring forward amendments in future stages. The attempt to tackle the deficit and the debt must be done in a flexible way that protects genuine front-line services and allows the deficit and the debt actually to be reduced from a position of real growth, rather than having the whole economy butchered simply to create an idiotic dividing line between two parties in the run-up to an election that the Prime Minister does not even have the guts to call.

8.57 pm

Mr. Andrew Pelling (Croydon, Central) (Ind): I congratulate the hon. Members for North Ayrshire and Arran (Ms Clark) and for Dundee, East (Stewart Hosie) on breaking the ice on the consensus in the debate on this cold winter evening. It is important to talk about the economic implications of the Bill.

In reality, what we have seen over the last 18 months or so has been a socialisation of the bad debts that were created on the banking books as a result of huge leverage and excess capacity within the debt markets, making it inevitable that the Government would transfer those debts into the public sector. It would have been completely irresponsible for any Government not to have acted in that way. In respect of the current Bill, however, running down that socialisation of bad debt in a compulsory fashion could lead to very significant economic damage for our country.

The dangers of having a double-dip recession are real. My own professional experience involved spending a great deal of time working for Japanese financial companies, but the last thing I would like to see is our country suffering the 20 years of economic turpitude that that country has faced. If we take away the ability to use proper fiscal stimulation, there may well be real problems.

There are many clouds over the economy. VAT is going to increase, for example, and internationally, US housing is still in great difficulties. Only last week, the US Government found it necessary to give another bail-out to GMAC. There are weaknesses in other economies. French consumer confidence was unexpectedly down today, while there are tremendous weaknesses among our European partners, particularly in Ireland and Spain. We must also remember that for our own economy, manufacturing production is down almost 11 per cent.—10.8 per cent.—over last year and the service economy has contracted by 4 per cent.

In considering the Bill, we should bear in mind the tremendous fragility in our economy. Many pressures—well-meaning pressures—were exerted for banks to be required to put a significant amount of extra capital on to their books, but in the coming years that would inevitably result in continuing severe restrictions on the ability of private sector banks to give stimulative support to our economy, and in such circumstances it is important to maintain full fiscal discretion.

There are real questions to be asked about whether quantitative easing is an appropriate tool, but there is no doubt that if we withdrew it, the need for fiscal stimulation would become ever more important. We must bear in mind just how significant the removal of credit from the economy has been as a result of the financial crisis. A substantial amount of that credit came from financial organisations that were not banks. There was a heavy reliance on short-term borrowing from the financial markets—perhaps, in the UK economy, the equivalent of £240 billion of credit stimulation. The £200 billion of heavy gilt issuance represents only one part of meeting the amount of credit creation that has been withdrawn from our economy, and a severe reduction in fiscal stimulation could lead to significant troubles for it.

Much reference has been made to history in today's debate. Members have mentioned, for instance, the crisis that followed the post-war period. It should be remembered that the success of the recovery in Europe was the result of a considerable fiscal stimulus on the part of our United States partners in terms of the recapitalisation of Europe. Members were making false assumptions when they cited that period to justify significant reductions in fiscal spending now.

I think that the danger of a crisis in the bond markets has been greatly exaggerated, in terms of their ability to absorb significant issuance of United Kingdom Government debt. The right hon. Member for Birkenhead (Mr. Field) recalled that in the 1980s the Swedish Finance Minister greatly resented having to come to speak to young people in the City, and to justify why people should buy Swedish debt. I was one of those young people in the 1980s, although I am less young now.

There is no doubt that the power of the bond markets is very important. I remember a senior financial official in the Reagan Administration saying that if he were to be reincarnated he would want to be reincarnated as the bond markets, such was their influence and strength at the time. I believe that, particularly if there is a significant reduction in Government spending, banks will be keen to buy issuance from Government—they are being pushed in that direction by regulatory change—but if we move too quickly to remove fiscal stimulation, the only productive area in which banks will invest will be gilts, because the return from them will be significantly higher than that provided by other potential investments or lending in the United Kingdom economy.

If I wanted to be particularly controversial, I would say that the UK Government's triple A rating does not really exist any longer within the capital markets, as the credit level is treated as being below that. There is a danger in us, as politicians, regarding that as absolutely totemic. This is obviously a matter of great historical departure—other than, potentially, on some war bonds, our country has never defaulted—but being rated double A-plus would not be such a severe challenge. Many other G7 countries have gone through such change.

The hon. Member for Chichester (Mr. Tyrie) made the most pertinent point when he said that the debate is also about our credibility as politicians. Legislating to deliver a promise weakens the position of politicians because it implies, or even states, that any other promise that politicians give which is not backed by legislation is inevitably of a lower calibre. This highlights the way in which politics has become so debased that legislation comes to the House purely on the merits or demerits of making a particular point with the media.

Unfortunately, as the hon. Member for North Ayrshire and Arran has pointed out, the type of restriction involved could be very severe in terms of public services dislocation and the lack of discretion that politicians would have in future. I cannot see the sense in both of the main political parties, which have for so long emphasised that they like the flexibility that this country enjoys because it is not part of the euro, wanting to move on and suggest that our country can do well and prosper if our politicians are straitjacketed by a restriction on their future discretion to make judgments about appropriate economic policy. In reality, if we needed, through economic policy, to have a higher rate of fiscal stimulus than that required by the tapered approach to reduction in the annual public deficit, we would probably—as has happened in the past to meet the European 3 per cent. of gross domestic product borrowing requirements—have a system of obfuscation and using different means of private finance initiative to hide real Government borrowing. As a result, we would end up further undermining our credibility as politicians. We should have the confidence to be straightforward with the electorate about the requirements of Government and about our finances.

I agree strongly with the comments that my hon. Friend the Member for Castle Point (Bob Spink) made in an intervention on the Chancellor. It seems reasonable that the approach to politicians' pay should be the same as that in the private sector. If the Government are determined to put the Bill through Parliament, and if they think it is important, perhaps there should be performance-related payments for the Chancellor if he hits targets. Let the Bill have real bite if they think it is important. There is no point in passing legislation with no sanction or incentive of any kind for the Chancellor regarding the proposals.

Let me address the Opposition's amendment. Initially, I decided not to support it because I think it is important that politicians should feel that they can deliver results by their actions rather than through legislation or the setting up of alternative quangos. However, I think that the amendment is written in such a way that there is sufficient flexibility to allow those of us who are not members of the Conservative parliamentary party to support it. In particular, this House would be strengthened if the opportunity were taken to set up an independent Budget office, similar to the one in Congress, to look at how the Government are performing their fiscal and debt management.

Such a body would revitalise this place's ability to hold the Government to account about their finances. This House's inability to do that on taxation issues has been a long and unfortunate tradition in this House, although the Public Accounts Committee has done extremely well in its endeavours to look at whether Government money is well spent.

In conclusion, this Bill will place our country and politicians in such a fiscal straitjacket that our very prosperity will be put at risk, and it is being done on a mere whim. The Government are playing to the media, and trying to create false division lines between the two main parties represented in this Chamber.

9.11 pm

Mr. Philip Dunne (Ludlow) (Con): I am pleased to have an opportunity to contribute to this debate, on what is the first parliamentary day of the new decade. It is also the first parliamentary day of the final year of this Parliament and, I hope, of this Government. Change will undoubtedly come this year, in that it has to be an election year.

As previous speakers have noted, the election is at the heart of this Bill. That observation has not been confined to politicians in this Chamber, as it has been made by

[Mr. Philip Dunne]

outside commentators as well. In its commentary on the pre-Budget report, Goldman Sachs wrote:

> "The UK press has concluded that the relatively slow pace of tightening, which doesn't begin in earnest until 2011, reflects politics more than economics—there's a general election next spring."

We will have to wait and see whether Goldman Sachs is right about the spring, but the sentiment reflects what the Bill is all about.

I want to add my voice to those who have spoken in the debate and declared this to be an utterly feeble Bill. The only support for it has come from those [illegible] the Government Front Bench. It is one of the thinnest pieces of legislation that I have seen since I arrived in the House nearly five years ago, and it has quite properly been ridiculed—by the shadow Chancellor in particular, but also by every speaker other than the Chancellor himself.

No other issue is more significant, or a greater plank in the Government's own election planning, than sorting out the public finance deficit that this country faces after 13 years of Labour mismanagement. There is no bigger issue facing the country, or for voters to consider at the coming election. No difference between the Government and the Opposition is more striking than their respective approaches to dealing with this matter: the Government are clearly divided, and the Opposition are clearly united.

We could not have illustrated that better had we, as the potential Government in waiting, planned today's debate and set out the approach to be taken by Labour Members to supporting their own Government's legislation. They have not followed that approach. I said earlier that, apart from the Chancellor's, only one speech had been made from the Labour Benches, but now there have been two. Both speakers have said, in terms and at the outset of their remarks, that for very different reasons they would not be supporting the Bill.

There has not been a single speech in support of the Bill. That shows more clearly than we could ourselves the truth of the shadow Chancellor's allegation in his remarks that there is division at the heart of Government over how to tackle the deficit. As we have all acknowledged, I think, that is the critical issue that the country faces at present.

So given that lack of interest, I have to ask why the Government business managers have decided to rush the Bill through the Committee stages on the Floor of the House. The obvious answer may be that they need to get the Bill through quickly to have it on the statute book ahead of a general election, which may be called in early or late spring. But that is too simplistic an answer to my question. I think the simple fact is that the Bill will not be handled in Committee, where evidence sessions could be taken, because the Government are incapable of finding anyone to call as a witness to support the Bill. The evidence sessions would merely give grist to the mill of the Government's opponents on their own Back Benches and on the Conservative Benches in pointing out what a perfectly frivolous and ludicrous piece of legislation we have before us. In short, we are not dealing so much with solutions to a credit crunch. The Government are trying to deal with solutions to a credibility crunch.

The Government have form on the issue of fiscal stability. In his famous, or should I say infamous, Mansion House speech in 1997 the present Prime Minister, then Chancellor, set out his fiscal rules—his first attempt to provide an aura of credibility for his approach to the public finances. He said:

> "We will introduce tough rules for government borrowing."

A year later, he told us:

> "I will never let the deficit get out of control. We will not spend money we have not earned."

Well, we all know what happened to those fiscal rules. The goalposts were moved as soon as it looked like they might be missed.

The commentators at the Institute for Fiscal Studies spelt out in their 2007 Budget briefing:

> "The perception that the Chancellor has moved the goal posts and has delayed the tax raising measures and cuts in spending plans that we and other independent commentators had been saying would be necessary until after the 2005 election undermines the credibility of the fiscal framework."

The measures were obviously dropped.

What is the impact of that lack of credibility when it comes to dealing with the current state of the public finances? We have heard from other speakers this evening about the impact within the market. The right hon. Member for Birkenhead (Mr. Field) drew analogies with the run-up to the second world war, clearly with an eye to securing an impact in the media. The impact of the lack of credibility is extremely significant. It is not just the credit rating agencies, which have put the UK sovereign debt on informal credit watch. It is not just the market commentators, who are saying that the Bill will do nothing seriously to address the debt-to-GDP ratios, which must fall faster. The Governor of the Bank of England himself has said that the deficit needs to be reduced much faster than is proposed in the Bill.

Apart from the commentators, the markets themselves are telling us that we are getting perilously close to an apocalyptic scenario. Let us look at the three market measures that are most regularly used to compare this country's public debt with that of our international comparators. We can see that the UK is in a perilous position. In the gilt market—which includes the impact of currency, so the measure is not the most directly relevant—the yield on medium-term gilt is up 43 basis points since 1 December 2009. There has been a similar increase in the US, yet in Germany the figure has risen by less than half over that period.

We can look at inflation-linked bonds, which remove the differences in inflation between countries. Since 1 December 2009, UK medium-term inflation-linked bonds have risen by 23 basis points to almost 3 per cent.—2.96 per cent.—which indicates an inflation risk over the risk-free rate.

Mr. Pelling: Is some of that movement in basis points to do with the market discounting the heavy prospective issuance of debt that is coming, particularly in the US and the UK? Reference was made earlier to PIMCO, which has invested heavily in Government bonds and has taken the view that the UK and the US are particularly difficult investments at this time.

Mr. Dunne: That helps to explain the differential rates in different countries. I am trying to draw out the significant increase since this Bill was first referred to in the pre-Budget report, to show that the markets have no faith in it as a means of trying to reduce the public finance black hole the country finds itself in.

The third measure is credit default swaps, which take out the currency risk because they indicate the premium this country would have to pay should it raise debt in other currencies. Here again, the issue is stark. The UK credit default swap rate today is 83 basis points, up 12 since 1 December 2009, whereas in Germany the rate is only 26 basis points and has risen by three since 1 December. We have had an increase of four times more than that in Germany, and we have a credit default rating twice that of the United States.

Where does that place the UK when competing for finance internationally to fund our deficit? A table helpfully produced by the House of Commons Library showing 2009 Government borrowing as a proportion of gross domestic product for OECD countries rates the UK as third worst. Only the economies of Iceland and Greece are in a more precarious position, and the country that is closest to the UK is Ireland. We have all seen what has happened to their borrowing costs and the stark action that has had to be taken by all three of those countries to bring their public finances under control. The UK sits right in the middle of that bunch.

Quite apart from the challenges of funding the Government's spending over the coming years, given the public finance position we are in, the other significant worry is the impact the increase in rates will have on the rest of the economy—the whole private sector, whose borrowing costs are also priced off the so-called risk-free sovereign rating. There is no question but that the volume of Government debt is not allowing private sector credit spreads to contract. The simplest indicator is the continued wide spread of new mortgages. It is not the supply of credit to the household sector that is so much of a problem, but the price. The Government need to recognise that their action in failing to get to grips with the state of the public finances is spilling over and restraining growth in the private sector of the economy that they are so keen to support.

The Government's credibility is the key to understanding whether the Bill has any prospect of achieving success. We have heard from many other speakers this evening that the Government have no credibility when it comes to forecasting either their debt levels or GDP growth. The track record for their debt forecasting was well demolished by my hon. Friend the shadow Chancellor. As he said so clearly, in every Budget or pre-Budget report from the Chancellor and his predecessor, there has been a claim for debt reduction over a four-year period—as envisaged in the Bill—yet not once has it been achieved.

On the forecasting track record for GDP growth, the pre-Budget report assumes, first, that the economy will recover in a more dramatic fashion than we have experienced in any previous recession. Secondly, it assumes a consistency in growth rates that is unprecedented on two counts. It assumes a 3.25 per cent. increase in GDP for the four years starting next year. This is not only above the trend rate that the Government have presided over throughout the past 13 years, but it is a greater and more sustained increase than in any comparable four-year period of the Blair/Brown chancellorship. One can only assume that those forecasts were optimistic.

My final point on the credibility of the Government in their approach to the Bill relates to their actions. The Bill does nothing to restore faith in the Government's competence in administering the economy or to restore faith in the Treasury's competence. Let us take a recent example of Treasury competence to see whether the current Treasury team are the right people to monitor the reductions in the deficit envisaged in the Bill. Let us take the issue of the bank bonuses.

At the time of the pre-Budget report, the Government announced that they wished to get a grip on bank bonuses. Their objective, which was widely shared across the House, was to extend the period of deferral of bonuses to bank executives in particular, to ensure that they were not motivated to bet the bank's balance sheet, to put it crudely. Let us take as an example the largest financial institution over which the Government have some direct influence—the Royal Bank of Scotland, where the taxpayer is the largest shareholder.

The Government have proposed a bonus scheme for executives at the Royal Bank of Scotland that envisages payments over a three-year period—50 per cent. in year one, 25 per cent. one year later, and 25 per cent. a year after that. That is, broadly speaking, more generous than the current market norm, where deferred bonuses are typically paid equally in three instalments, rather than loaded to year one. Leaving that criticism aside, the other issue that the Government have completely failed to take into account when considering introducing a deferral scheme to Royal Bank of Scotland is that a large proportion of the senior executives at RBS who are transacting in the markets and who are therefore eligible for bonuses are former ABN bankers—the very bank that got RBS into the perilous state that it is in.

If we look at the bonus scheme that applied to those bankers—the current RBS executives who were formerly ABN AMRO executives—the Government's proposed bank bonus deferral scheme, far from extending the period over which they get paid their bonuses, will actually reduce it. Their scheme had a four-year deferral provision, whereas the proposed scheme has a three-year deferral. Not only have the Government introduced a more generous scheme in the one company over which they have some direct control, but they have exposed an issue in relation to the Bill—that is, what happens to a Government Minister who makes such a mess of an area for which they are responsible, such as the bank bonus deferral that I have just described?

What sanctions apply? Will such a Minister be fired or moved on? Who knows? That is highly unlikely. In this Bill no sanctions at all are proposed in the event that one of the targets is missed. As Martin Wolf suggested in the *Financial Times* to add to the ridicule of the Bill, a future Chancellor who failed to meet the targets might be sent to the tower of London. What chance of this Chancellor or the Minister accepting that as a suitable sanction in the event of failure of the Bill? Perhaps she might be able to tell us.

9.29 pm

Mr. David Gauke (South-West Hertfordshire) (Con): This has been a somewhat curious debate. I do not know whether there has been a precedent for such a Bill. The Bill was at the heart of the Prime Minister's party conference speech in 2009; it was the flagship economic Bill in the Queen's Speech; and it is the

[Mr. David Gauke]

centrepiece of the Government's economic strategy to reduce the deficit. However, I wonder whether we have ever had such a Bill, because it has attracted not a single voice of support from Back Benchers on Second Reading.

I suppose that the Government might have hoped that in a time of crisis the country would unite around them as they set out to address the problem, but as it happens the Bill has managed to unite the House in opposition. The fact is that we have had only two contributions from Labour Back Benchers in the debate. I do not know where the rest of the parliamentary Labour party are tonight—they may be plotting, once again, if the rumours that have been reported this evening are true—but not one Labour Back Bencher could be prevailed upon to speak in support of the Bill.

Instead, we have had from Back Benchers a series of critical contributions. The right hon. Member for Birkenhead (Mr. Field) and his hon. Friend the Member for North Ayrshire and Arran (Ms Clark) took somewhat different perspectives on the Bill, but they both opposed it. The hon. Member for Dundee, East (Stewart Hosie) from the Scottish nationalists, the hon. Member for Croydon, Central (Mr. Pelling) from the independents, my right hon. Friend the Member for Wokingham (Mr. Redwood) and my hon. Friends the Members for Chichester (Mr. Tyrie) and for Ludlow (Mr. Dunne) were all critical, too. Almost any speaker this evening could have uttered the words that we have heard used to describe the Bill, including "profoundly pointless", "frivolous", "a political prank", "an expensive press release" or "mere words", but we have not heard any words of support for the Bill.

Let us imagine the scene in the Treasury last year as preparations were made for the pre-Budget report. The public finances are in ruins and we are borrowing more than at any time in our peacetime history. For every £4 spent by the Government, £1 is borrowed. We are borrowing more than any other G20 country. The CBI, the International Monetary Fund, the OECD and the Governor of the Bank of England are all calling for a credible plan to reduce the deficit. The credit rating agencies have started to express their concerns about the UK's triple A rating, and the risks of failing to set out a credible plan are becoming clear in the markets, as my hon. Friend the Member for Ludlow so clearly set out. We even have the example of Greece, one of two OECD countries borrowing more than the UK, where confidence has been lost and it costs them an extra 2.5 per cent. on interest rates to clear Government debt. It is plain that without a credible plan, mortgage rates may go up and businesses will find credit hard to secure.

The challenge that the Treasury faced at the time of the PBR was to restore fiscal credibility, and what did we get—a clear acknowledgement of the scale of the crisis, details of departmental spending in the years ahead, a general sense of direction on how the deficit would be reduced, or even just policies to improve the dismal and discredited forecasting record of the Treasury? No, we got this Bill: a Bill that sets out targets but no enforcement mechanism—no sanctions if they are breached. That is not a credible response; it is a distraction policy.

Mr. Redwood: Has my hon. Friend noticed that neither Labour Back Bencher who spoke in the debate has returned to the Chamber for the winding-up speeches as is traditional? Does he share my concern that the Labour Whips may be dealing with them at the moment—trying to re-educate them?

Mr. Gauke: I am grateful for that intervention. I look forward to reading on tomorrow's blogs reports of the mobile phone conversation in which the Government's Chief Whip explains exactly what he is going to do. I believe that he has a habit of making such phone calls on trains.

This Bill is a distraction policy. The idea that the existence of a target somehow provides credibility in itself is ridiculous, even if it is a target devised by the people who brought us, and broke, the golden rule. I suppose that we should be grateful that there is some acknowledgement of the credibility problem, given that the Prime Minister is currently going through one of his bouts of total denial as to the need to address public spending in this area, but that is very little comfort.

Let us not ignore the intellectual confusion at the heart of the Bill, which has been brought out by several speakers, including my right hon. Friend the Member for Wokingham and the hon. Member for North Ayrshire and Arran—we hope that she is safe. It is not often, I suspect, that those two Members agree on much. Nevertheless, the point has to be made.

In the past couple of years, the Government have argued that nothing could be done to reduce the deficit until the recovery was well under way; that notwithstanding the record levels of borrowing, fiscal policy could continue to be used to counteract the recession; and that it was appropriate to have a discretionary fiscal stimulus through a temporary cut in VAT. Now, however, we have a Bill that means that from 2011 to 2016 borrowing must fall year in, year out, regardless of the economic circumstances and where we are in the economic cycle. Never mind the discretionary fiscal stimulus—this could preclude even the use of the automatic stabilisers, as my right hon. Friend the Member for Wokingham pointed out. Does that mean that the Government now believe that we have borrowed so much, and will continue to do so; that we do not have room for manoeuvre; and that once we are through a general election the fiscal levers will not be available for at least six years?

Mr. Cash: Does my hon. Friend recognise the problem that I have presented to my right hon. Friend the Member for Wokingham (Mr. Redwood) and my hon. Friend the Member for Braintree (Mr. Newmark)? All three of us have argued for a long time that the Government's figures on net debt are simply not true. They are not giving the real picture to the British people, and they are not even giving the picture that the Office for National Statistics has given.

Mr. Gauke: My hon. Friend raises an important point. One of the benefits of an office for budget responsibility would be that we could provide some credibility in exactly that area.

If, as the Bill implies, it will not be possible to use the fiscal levers from 2011 to 2016, that would appear to signal the complete collapse of the Government's position, which is that fiscal levers are a very important element of what a Government can do. One might ask why the born-again Keynesians on the Labour Benches will be walking through the Lobby in support of the Bill given that that is what it says, as they would know if they actually read it. To be fair to the hon. Member for North Ayrshire and Arran, she has read the Bill and she will not be walking through that Lobby; I wonder whether many of her colleagues will be joining her.

Alternatively, perhaps, as ever with Labour Governments, fiscal discipline will be there for as long as it is absolutely expedient, as in the case of the abandoning of the fiscal rules at the point at which they prove to be a constraint. The Chancellor gave us the answer earlier today when he stated that if there were a recession and difficulties in the economy, the Chancellor would simply have to come back and explain to us that the target was not going to be met. If that is really the case, then we have to ask what on earth is the point of the Bill.

If the Government genuinely wanted to increase the institutional pressures to reduce the deficit, they could have followed our policy and established an office for budget responsibility that could publish its own fiscal forecasts. We have heard several times today about the Treasury's failures in its own fiscal forecasts. It could make recommendations as to whether the Government would meet their stated objectives in reducing the deficit or whether further action was necessary, and of course it could be a much more sophisticated instrument than the targets set out in the Bill. As my hon. Friend the Member for Stone (Mr. Cash) pointed out, the difficulties that exist and the use of the private finance initiative and other off-balance-sheet mechanisms have done little for the Government's credibility in this area.

Truth be told, whatever the Government propose at this stage, there is nothing that they can do to restore their credibility. This Government are to fiscal responsibility what Tiger Woods is to marital fidelity. The Chancellor had his chance to set out a credible path to fiscal responsibility—indeed, we read the leaks suggesting that he fought to put forward proposals that would have delivered something close to credibility—but the man whom we thought was unsackable was still too weak to stand up to the Prime Minister and the Schools Secretary, and yet again we had a pre-Budget report that did nothing to address the Government's lack of credibility.

The Chancellor could have set out spending plans that would have reassured the markets, and in doing so perhaps protected his own legacy, but he failed to do so. Instead we have this pathetic excuse for a Bill. As the right hon. Member for Norwich, South (Mr. Clarke) has pointed out, it is vacuous and irrelevant. At a time of crisis in the public finances, we need leadership that will rise to the occasion. We need a man with a plan, not a man with a stunt. If the UK is to have fiscal credibility again, there is one necessary condition. It is not this Bill, it is a change of Government.

9.41 pm

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): In 1997 the Government established two clear fiscal objectives, which have been maintained since and will remain in place. The first is, over the medium term, to ensure sound public finances and ensure that spending and taxation have a fair impact within and between generations. The second is, over the short term, to support monetary policy to help smooth the path of the economy.

The financial crisis and the global recession have had a profound impact on the public finances, resulting in a significant increase in Government borrowing and, as a result, increasing public sector net debt. Those major economic shocks have hit every country in the world, and we have had to be flexible in our response to changing circumstances. As my right hon. Friend the Chancellor set out, our first priority was to provide support to the economy, which is why the Government undertook a fiscal stimulus to provide support when the economy was weakened. That stimulus and the effect of the automatic stabilisers are providing fiscal support totalling about 5 per cent. of GDP this financial year, which has helped limit the severity of the downturn and its impact on businesses and individuals.

The Government estimate that as a direct result of the fiscal stimulus announced in the 2008 pre-Budget report, GDP growth in 2009 will be about half a percentage point higher than it would otherwise have been. There were costs to stepping in, but not to have intervened would have been even more costly and burdened the economy over a much longer horizon. We have always been clear that the initial support must be followed by steps to secure sound public finances. Our fiscal stimulus was deliberately time-limited to increase its impact during the downturn and ensure sound public finances over the medium term.

Timing is all, and much of today's debate has centred around the timing of the consolidation. There have been contributions from my right hon. Friend the Member for Birkenhead (Mr. Field), the hon. Member for Chichester (Mr. Tyrie), the right hon. Member for Wokingham (Mr. Redwood), my hon. Friend the Member for North Ayrshire and Arran (Ms Clark) and the hon. Members for Dundee, East (Stewart Hosie), for Croydon, Central (Mr. Pelling) and for Ludlow (Mr. Dunne). Some hon. Members complained that we were not going fast enough, and others that we were going too fast.

Mr. Gauke: As the Exchequer Secretary runs through the various contributions to the debate, can she recall any other occasion on which the flagship measure in the Queen's Speech has not attracted a single voice of support from the Government Back Benches?

Sarah McCarthy-Fry: I cannot speak for Back Benchers who may not have been able to get here in time to speak in the debate. *[Interruption.]* The proof of the parliamentary Labour party's support will be in the votes for the measure.

The Government will not withdraw support too quickly. Tightening fiscal policy too quickly risks jeopardising the recovery, which would result in the deterioration of the fiscal position. The Government will therefore ensure that fiscal policy continues to provide support to businesses and individuals in the early stages of recovery.

Mr. Redwood: Why have countries, which borrowed much less and ran a much tighter ship, recovered much sooner?

Sarah McCarthy-Fry: We must look at things in a wider context. We should remember that unemployment in this country is not as high as in other countries. We must examine all the factors.

When the economy is better placed to support a more rapid tightening, fiscal policy will shift towards consolidation. Well-timed and planned fiscal consolidation

[Sarah McCarthy-Fry]

will support economic growth during the recovery. In line with fiscal objectives, the Government's fiscal strategy is threefold.

First, we will base policy decisions on a realistic fiscal forecast, based on a range of assumptions, some of which are designed to provide caution for uncertainty. Secondly, we will ensure that the fiscal policy framework is set to deliver the Government's fiscal policy objectives. To that end, the Government have introduced the Bill. Thirdly, we will set out a credible plan to deliver sustained consolidation in the medium term to ensure sound public finances in a time frame that is consistent with economic recovery and growth. In line with that, the pre-Budget report outlines plans to more than halve the deficit in four years, and the fiscal consolidation plan included in the Bill embeds the deficit reduction. That is the sharpest reduction in the budget deficit of any G7 country.

Mr. Graham Stuart: I sympathise with the Exchequer Secretary's plight this evening. She says that the Government aim to have a credible policy. How credible can it be when a heavily whipped parliamentary Labour party cannot produce one Back Bencher to speak in favour of it? No wonder the Chancellor is desperately whispering in her ear. It is a night of humiliation for him and for the Government.

Sarah McCarthy-Fry: I have no need of sympathy from the hon. Gentleman.

As the economy emerges from recession, and exceptional uncertainty recedes, the Government believe that it is appropriate to strengthen the fiscal framework. That will support the recovery and is in line with international action. As Governments around the world work together in response to the downturn, many other countries are now choosing to strengthen their fiscal frameworks. Indeed, the International Monetary Fund has highlighted fiscal responsibility laws as a way in which to buttress fiscal adjustment following the financial crisis by strengthening institutional arrangements. The Government have chosen to enhance the fiscal framework through the Bill. The measure will help businesses and investors make long-term plans with confidence about the future fiscal position and the financing environment.

Stewart Hosie: The position has been buttressed globally, but which other G7 country has withdrawn its fiscal stimulus package?

Sarah McCarthy-Fry: We are not immediately withdrawing our fiscal stimulus package—I am sure that that will be debated further in the pre-Budget report debate on Thursday.

Mr. Dunne: Will the Exchequer Secretary give way?

Sarah McCarthy-Fry: I want to make some progress, then perhaps I shall give way if there is time.

The Government have set out measures to reduce borrowing by £57 billion by 2013-14 and to contribute to more than halving the deficit over four years. The Bill embeds the deficit reduction in legislation and also sets further targets to reduce the deficit in each year to 2015-16 and to have the national debt falling in that year.

Mr. Gauke: Will the Minister explain what would happen if she were in government in 2012 or 2013 and there were a recession? Would the target of reducing borrowing year in year out, as set out in the Bill, still apply? Is that the Government's position?

Sarah McCarthy-Fry: I cannot remember whether the hon. Gentleman was here for the Chancellor's opening speech, but he dealt with that point quite closely—*[Interruption.]* I will repeat it if the hon. Gentleman wants me to. If there were an unprecedented situation, the matter could be looked at again, but we are setting out a plan for a reduction in the deficit and further targets to reduce the deficit in each year.

The plans contribute to ensuring sustainable public finances in the medium term, and I do not think that placing them on the statute book is a distraction. Legislation provides certainty and stability, and we are giving Parliament a new role in both setting and monitoring the Government's fiscal plans. In particular, Parliament must approve fiscal plans before they become law, which is a significant evolution of the extent to which the Government are held to account for their medium-term fiscal policy.

Mr. Cash: In view of the tremendous certainty that the Minister is describing, will she tell us now what net debt means under the Bill?

Sarah McCarthy-Fry: I was going to come to that later in my speech, but given the number of interventions, I might not get there. The legislation requires explanation of key terms to be set out in the code for fiscal stability. The Chancellor has stated that that will be published in draft in advance of Committee to allow for scrutiny. All definitions and fiscal aggregates used in the Bill will be national statistics, produced by the independent ONS, using European and internationally accepted methodologies.

Several hon. Members *rose*—

Sarah McCarthy-Fry: I am not going to give way because if I do, I will not get to the end of my speech.

The International Monetary Fund has set out that the strengthening of medium-term frameworks, including through fiscal responsibility laws, should help to support the fiscal adjustment that will be necessary in most economies following the financial crisis. The Bill is therefore a crucial part of our fiscal strategy, binding the Government to deliver on the tough decisions we are taking to more than halve the deficit over four years and to get debt falling.

The Bill builds on, and significantly enhances, the existing legislative underpinnings of the fiscal framework. It requires the Government to set out at all times a legislative fiscal plan for delivering sound public finances. That must be approved by Parliament before it becomes law, and the Bill places a binding duty on the Government to meet the plan.

Mr. Jeremy Browne: Given that less than two years ago the Chancellor forecast that the deficit this financial year would be £38 billion, and that instead it has turned out to be £178 billion, why is the Minister so confident that her right hon. Friend is able to predict what the economic circumstances will be in 2016?

Sarah McCarthy-Fry: Maybe the hon. Gentleman missed it, but there has been a global economic crisis since then.

Fiscal plans cannot be changed except with the approval of Parliament through new legislation. That demonstrates the Government's commitment to delivering consolidation—

Mr. Browne: The Chancellor might be the leader of the Lib Dems by then.

Sarah McCarthy-Fry: I think that that is the most unlikely thing in the world.

The fact that the fiscal plans cannot be changed except with the approval of Parliament through new legislation also demonstrates the importance the Government place on action to ensure sound public finances in the medium term. The Bill makes the Government accountable to Parliament for meeting their fiscal plans and creates a new scrutinising role for Parliament in relation to both progress towards and compliance with them. That is a significant evolution of the extent to which the Government are held to account for their medium-term fiscal policy. Parliament is the right body to hold the Government to account for their plans for tax, spending and borrowing.

The Government are required to account to Parliament through regular progress and compliance reports, which will be produced alongside Budgets and pre-Budget reports. Progress reports must set out the progress that has been made towards compliance with the plans. If targets are not met, the Treasury must set out for Parliament why not. The revised code for fiscal stability will set out that the Treasury must also report on what it will do to remedy the situation if targets are not met. These measures represent a significant evolution of the extent to which the Government are held to account for their medium-term fiscal policy.

As the Chancellor noted, the Government do not consider that an office for budget responsibility—as proposed by the Opposition—is the right solution to the challenge we face. Establishing a new quango would not enhance the fiscal framework. Instead, it would risk undermining the role of Parliament in scrutinising the Government's fiscal plans. Introducing blurred lines of responsibility for forecast and policy-making functions risks damaging accountability: policy-makers would be acting on forecasts for which they were not fully responsible. It is Parliament and Parliament alone that is best placed to hold the Government to account for their plans. They should have ultimate say in matters of tax, spending and borrowing.

Further, evidence does not suggest that outsourcing the forecast would improve its accuracy. The Treasury's fiscal forecasts since 1997 have been marginally more accurate than the forecasts for the UK made by many independent international organisations, such as the OECD, the IMF and the European Commission, and no more or less cautious than the range.

Instead, the Government's approach is to strengthen the existing fiscal framework and enhance accountability to Parliament rather than outsource it to an external body. Parliamentary scrutiny has been bolstered by the steps the Government have taken since 1997 to improve fiscal transparency. In addition, the independent National Audit Office will retain its existing role in auditing key forecasting assumptions.

Parliament should have the ultimate say in matters of tax, spending and borrowing. The Bill will give Parliament a new role in holding the Government to account for their medium-term fiscal policy and meeting the targets of the fiscal consolidation plan. The legislation includes clear targets, and will create a transparent reporting process for assessing progress and compliance against fiscal plans. If the Government are not on track it will be obvious, and if plans are not achieved the Government will have to set out why not.

The Government have made it clear that reducing spending accounts for two thirds of the action the Government are taking to reduce the deficit following the crisis—measures that will reduce the deficit by £57 billion in 2013-14. This is shared between current and capital spending. Specific savings that we have already set out include £12 billion of savings from the smarter government reforms to the public sector; £4.5 billion from slowing increases in public sector pay and pensions; and £5 billion from cuts to lower priority programmes, as well other efficiencies across all Departments, where £10 billion value-for-money savings have been found already.

The Government have already set out clear plans for fiscal consolidation. In April in the Budget, my right hon. Friend the Chancellor set out plans for consolidation and the recent pre-Budget report confirms these. These plans include more than halving the deficit in four years. The Bill enshrines these plans in law, through the Government's first fiscal plan, the fiscal consolidation plan.

The Government are committed to sound public finances and have set out clear plans for consolidation. We will not withdraw support too quickly and jeopardise recovery. The annual pace of consolidation set out in the 2009 pre-Budget report is faster than the pace of deficit reduction forecast by the IMF for all other G7 economies in the period up to 2014. Further, the Government will return with legislative targets beyond 2015-16 at an appropriate time. The pre-Budget report projects that the deficit on the cyclically adjusted current budget will be eliminated by 2017-18.

We are now at the turning point in the global recession and at a time when we need to start building and planning for the future. As growth picks up, we must ensure that we have sustainable public finances. Through enhancing the fiscal framework, the Fiscal Responsibility Bill will support that task. I commend the Bill to the House.

Question put, That the amendment be made.

The House divided: Ayes 182, Noes 280.

Division No. 26] **[21.59**

AYES

Afriyie, Adam
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter

Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clarke, rh Mr. Kenneth
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C.
(Monmouth)
Davies, Philip
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Duncan, Alan
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh
Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howarth, David
Howarth, Mr. Gerald
Howell, John
Huhne, Chris
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Chloe
Soames, Mr. Nicholas
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Matthew
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Mr. Roger
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes:
James Duddridge and
Jeremy Wright

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Corbyn, Jeremy
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Fisher, Mark
Fiello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael
(Worcester)
Foster, Michael Jabez
(Hastings and Rye)
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai

Healey, rh John
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
Mason, John
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Mullin, Mr. Chris
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Osborne, Sandra
Owen, Albert
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Price, Adam
Prosser, Gwyn
Purchase, Mr. Ken
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Weir, Mr. Mike
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mark Tami and
Mr. Bob Blizzard

Question accordingly negatived.

Question put forthwith (Standing Order No. 62(2)), That the Bill be now read a Second time.

The House divided: Ayes 265, Noes 196.

Division No. 27] **[10.15 pm**

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, Mr. Quentin
Dean, Mrs. Janet
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Fisher, Mark
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael
(Worcester)
Foster, Michael Jabez
(Hastings and Rye)
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry

George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, rh John
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, rh Mr. Pat
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Mullin, Mr. Chris
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Osborne, Sandra
Owen, Albert
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Mark Tami and
Mr. Bob Blizzard

NOES

Abbott, Ms Diane
Afriyie, Adam
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clark, Ms Katy
Clarke, rh Mr. Kenneth
Corbyn, Jeremy
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Duncan, Alan
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Hosie, Stewart
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David

Kawczynski, Daniel
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Malins, Mr. Humfrey
Maples, Mr. John
Mason, John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Rifkind, rh Sir Malcolm
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Chloe
Soames, Mr. Nicholas
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Matthew
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mr. Roger
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Noes:
Jeremy Wright and
James Duddridge

Question accordingly agreed to.

Bill read a Second time.

FISCAL RESPONSIBILITY BILL (PROGRAMME)

Motion made, and Question put forthwith, (Standing Order No. 83A(7)),

That the following provisions shall apply to the Fiscal Responsibility Bill:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Committee, consideration and Third Reading

2. Proceedings in Committee, any proceedings on consideration and proceedings on Third Reading shall be completed at one day's sitting.

3. Proceedings in Committee and any proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

4. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

5. Standing Order No. 83B (Programming committees) shall not apply to the proceedings on the Bill in Committee and on consideration and Third Reading.—*(Steve McCabe.)*

The House divided: Ayes 254, Noes 187.

Division No. 28] **[10.30 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, Mr. Quentin
Dean, Mrs. Janet
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael
(Worcester)
Foster, Michael Jabez
(Hastings and Rye)
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, rh John
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin

Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, rh Mr. Pat
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Mullin, Mr. Chris
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Osborne, Sandra
Owen, Albert
Pearson, Ian
Plaskitt, Mr. James
Prentice, Bridget
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, rh Angela E.
(Basildon)
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Mark Tami and
Mr. Bob Blizzard

NOES

Afriyie, Adam
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clarke, rh Mr. Kenneth
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C.
(Monmouth)
Davies, Philip
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Duncan, Alan
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Farrelly, Paul
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Hosie, Stewart
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Luff, Peter
Malins, Mr. Humfrey
Maples, Mr. John
Mason, John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam

Prisk, Mr. Mark
Pugh, Dr. John
Randall, Mr. John
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Chloe
Soames, Mr. Nicholas
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Matthew
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mr. Roger
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Young, rh Sir George

Tellers for the Noes:
Jeremy Wright and
James Duddridge

Question accordingly agreed to.

Business without Debate

DEFERRED DIVISIONS

Motion made, and Question put forthwith (Standing Order No. 41A (3)).

That, at this day's sitting, Standing Order No. 41A (Deferred divisions) shall not apply to the motion in the name of Secretary Alan Johnson relating to Immigration.—*(Steve McCabe.)*

Question agreed to.

CORPORATION TAX BILL

Motion made, and Question put forthwith (Standing Order No. 90 (5)), That the Bill be now read a Second time.

Question agreed to.

Bill accordingly read a Second time; to stand committed to the Joint Committee on Tax Law Rewrite Bills (Order, 26 November 2009, and Standing Order No. 60(6)).

CORPORATION TAX BILL (WAYS AND MEANS)

Motion made, and Question put forthwith (Standing Order No. 52 (1) (a)).

That, for the purposes of any Act resulting from the Corporation Tax Bill, it is expedient to authorise any incidental or consequential charges to tax which may arise from any of the provisions of the Act.—*(Steve McCabe.)*

Question agreed to.

TAXATION (INTERNATIONAL AND OTHER PROVISIONS) BILL

Motion made, and Question put forthwith (Standing Order No. 90 (5)), That the Bill be now read a Second time.

Question agreed to.

Bill accordingly read a Second time; to stand committed to the Joint Committee on Tax Law Rewrite Bills (Order, 26 November 2009, and Standing Order No. 60(6)).

TAXATION (INTERNATIONAL AND OTHER PROVISIONS) BILL (WAYS AND MEANS)

Motion made, and Question put forthwith (Standing Order No. 52 (1) (a)).

That, for the purposes of any Act resulting from the Taxation (International and Other Provisions) Bill, it is expedient to authorise any incidental or consequential charges to tax which may arise from any of the provisions of the Act.—*(Steve McCabe.)*

Question agreed to.

Mr. Speaker: With the leave of the House, I suggest that we take motions 7 to 12 together.

Hon. Members: Object.

Mr. Speaker: Objection taken. We will put them individually.

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118 (6)).

CRIMINAL LAW

That the draft Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) (No. 3) Order 2009, which was laid before this House on 4 November, in the previous Session of Parliament, be approved.—*(Steve McCabe.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118 (6)).

TRIBUNALS AND INQUIRIES

That the draft Amendment to Schedule 6 to the Tribunals, Courts and Enforcement Act 2007 Order 2009, which was laid before this House on 20 October, in the previous Session of Parliament, be approved.—*(Steve McCabe.)*

Motion made, and Question put forthwith (Standing Order No. 118 (6)).

TRIBUNALS AND INQUIRIES

That the draft Transfer of Functions of the Asylum and Immigration Tribunal Order 2009, which was laid before this House on 20 October, in the previous Session of Parliament, be approved.—*(Steve McCabe.)*

Motion made, and Question put forthwith (Standing Order No. 118 (6)).

TRIBUNALS AND INQUIRIES

That the draft Transfer of Tribunal Functions Order 2009, which was laid before this House on 20 October, in the previous Session of Parliament, be approved.—*(Steve McCabe.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118 (6)).

EUROPEAN COMMUNITIES

That the draft European Communities (Definition of Treaties) (1996 Hague Convention on Protection of Children etc.) Order 2009, which was laid before this House on 11 November, in the previous Session of Parliament, be approved.—*(Steve McCabe.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118 (6)).

BANKS AND BANKING

That the draft Banking Act 2009 (Exclusion of Insurers) Order 2009, which was laid before this House on 10 November, in the previous Session of Parliament, be approved.—*(Steve McCabe.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118 (6)).

IMMIGRATION

That the draft Immigration (Biometric Registration) (Amendment No. 2) Regulations 2009, which were laid before this House on 25 November, be approved.—*(Steve McCabe.)*

The House divided: Ayes 243, Noes 42.

Division No. 29] **[10.45 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Borrow, Mr. David S.
Bottomley, Peter
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davies, Mr. Quentin
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Foster, Mr. Michael
(Worcester)
Foster, Michael Jabez
(Hastings and Rye)
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gilroy, Linda
Griffith, Nia
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, rh John
Hesford, Stephen
Hewitt, rh Ms Patricia
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCrea, Dr. William
McDonagh, Siobhain
McFadden, rh Mr. Pat
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Mullin, Mr. Chris
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Osborne, Sandra
Owen, Albert
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simpson, David
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, rh Angela E.
(Basildon)
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Taylor, Ms Dari

Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony

Tellers for the Ayes:
Mark Tami and
Mr. Bob Blizzard

NOES

Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Burt, Lorely
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Davey, Mr. Edward
Davies, Mr. Dai
Foster, Mr. Don
George, Andrew
Gidley, Sandra
Goldsworthy, Julia
Hancock, Mr. Mike
Harvey, Nick
Hosie, Stewart
Howarth, David
Hughes, Simon
Huhne, Chris
Hunter, Mark
Jones, Lynne
Kennedy, rh Mr. Charles
Lamb, Norman
Llwyd, Mr. Elfyn
Mason, John
Moore, Mr. Michael
Öpik, Lembit
Pelling, Mr. Andrew
Price, Adam
Pugh, Dr. John
Rennie, Willie
Robertson, Angus
Russell, Bob
Sanders, Mr. Adrian
Stunell, Andrew
Taylor, Matthew
Webb, Steve
Weir, Mr. Mike
Williams, Hywel
Williams, Mr. Roger
Willis, Mr. Phil
Willott, Jenny
Wishart, Pete

Tellers for the Noes:
John Hemming and
Dr. Evan Harris

Question accordingly agreed to.

REGULATORY REFORM

Motion made, and Question put forthwith (Standing Order No. 18(1)),

That the draft Legislative Reform (Insolvency) (Miscellaneous Provisions) Order 2009, which was laid before this House on 29 October, in the previous Session of Parliament, be approved.—*(Steve McCabe.)*

Question agreed to.

HOUSE OF COMMONS MEMBERS' FUND

Motion made, and Question put forthwith (Standing Order No. 118 (6) and Order, 23 November),

That, pursuant to section 4(4) of the House of Commons Members' Fund Act 1948 and section 1(4) of the House of Commons Members' Fund Act 1957, in the year commencing 1 October 2009 there be appropriated for the purposes of section 4 of the House of Commons Members' Fund Act 1948:

(1) The whole of the sums deducted or set aside in that year under section 1(3) of the House of Commons Members' Fund Act 1939 from the salaries of Members of the House of Commons; and

(2) The whole of the Treasury contribution to the Fund.—*(Steve McCabe.)*

Question agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith (Standing Order No. 119 (1)),

GAS SECURITY

That this House takes note of European Union Document No. 11892/09, draft Regulation concerning measures to safeguard security of gas supply; notes the Government's position on this proposal and agrees the broad aim of the Regulation that seeks enhanced EU resilience to supply shocks through robust preventative and emergency planning and strong emphasis on the role of a well-functioning internal gas market as the best insurance for security of gas supply; and further notes the need to ensure that the powers of the Commission in this Regulation satisfy the principles of subsidiarity and proportionality and supports the Government's aim of securing this.—*(Steve McCabe.)*

Question agreed to.

SITTINGS OF THE HOUSE

Motion made,

That—

(1) Standing Order No. 14 (Arrangement of public business) shall have effect for this Session with the following modifications, namely:

In paragraph (4) the word 'eight' shall be substituted for the word 'thirteen' in line 42 and in paragraph (5) the word 'fifth' shall be substituted for the word 'eighth' in line 44;

(2) Standing Order No. 90 (Second reading committees) shall have effect for this Session with the following modification, namely:

In paragraph (2) the word 'fifth' shall be substituted for the word 'eighth' in line 21;

and

(3) Private Members' Bills shall have precedence over Government business on 29 January; 5 and 26 February; 5 and 12 March; 23 and 30 April; and 7 May.—*(Steve McCabe.)*

Hon. Members: Object.

PETITION

Car Scheme (Castle Point)

10.56 pm

Bob Spink (Castle Point) (Ind): Rene Begley, the co-chairman of New Thundersley Townswomen's Guild, has kindly organised this petition.

Our communities are enriched and strengthened by volunteers who work in excellent schemes such as the Castle Point social car scheme. I warmly congratulate all the caring people involved in that scheme, which helps vulnerable people. Each councillor is individually responsible for ensuring that frail people are able to remain in their homes and to have help with their mobility. The public will hold councillors personally to account for trying to cut the car scheme's funding without proper consultation with its organisers and with no consultation at all with the public or users of the scheme.

The petition states:

The Petition of the New Thundersley Afternoon Townswomen's Guild, the residents of Castle Point and others,

Declares that they object to the proposed reduction in funding for the Castle Point Car Scheme buses, to take effect from January 2010, that this reduction in funding will impact upon

[Bob Spink]

frail, elderly and infirm residents who rely on the buses as a means of independent living, and that public transport such as the Car Scheme offers a cheaper and greener alternative to private transport.

The Petitioners therefore request that the House of Commons urges the Government to press Castle Point Borough Council, and all Councillors, to reverse the decision to reduce funding for the Castle Point Car Scheme, and to increase support for local, greener transport schemes.

And the Petitioners remain, etc.

[P000691]

Southend-on-Sea

Motion made, and Question proposed, That this House do now adjourn.—*(Steve McCabe.)*

10.58 pm

Mr. David Amess (Southend, West) (Con): My hon. Friend the Member for Rochford and Southend, East (James Duddridge) has the honour to represent the town of Southend-on-Sea, which I can say without fear of contradiction is the finest seaside resort along the Thames estuary. In its heyday, going back to Victorian times, it was enjoyed by east-enders, not only for day trips but to spend long weekends there. Sadly, in 2010, British holidays are not quite as popular as they used to be, primarily because the cost of air travel is greatly reduced and we often cannot entirely rely on our climate.

Southend is probably no different from any other coastal resort in having fewer people in jobs, higher levels of benefit claimants, and more people in poor health and with worse transport links than their inland counterparts. That is very common among coastal resorts. However, Southend is trying to re-establish itself as an attractive and vibrant seaside town for visitors and residents alike, and it is blessed with superb leadership from Councillor Nigel Holdcroft, who is the council leader, ably supported by his deputy John Lamb. We also have an excellent council chief executive, Rob Tinlin, who is supported by a superb team of officers.

We are perhaps not quite in the strong funding position that we would have hoped for, because the last census was somewhat lacking in rigour. The Minister will understand that we intend to ensure that the next census is absolutely accurate, because the last one basically left off 20,000 people, which was very damaging in funding terms. However, I am delighted to say that a £25 million investment package will mean four new regeneration schemes. One is City beach on Marine parade, in my hon. Friend's constituency, which will be launched on 7 January.

Congestion and weak transport infrastructure are challenges for the town, and the other three key development projects will significantly reduce congestion and journey times. Work on the Victoria gateway, again in my hon. Friend's constituency, will start in March. The other two projects are in my constituency. One of the worst bottlenecks in the town is at Cuckoo corner, where £5 million improvement works will begin in April. It is hoped that when the improvements are completed, there will be a reduction from the 400 minutes a day of congestion that is experienced at peak times. The final piece of work, which will be started shortly, is at Progress road, a key section of the main arterial route into Southend. Those are positive schemes that my hon. Friend and I welcome, but there are further bottlenecks at the Bell and Kent Elms junctions with the A127, and I hope that in due course there will be some improvements.

The Minister will be only too well aware of the expansion of Southend airport. Most residents welcome the fact that there is an airport in Southend, but since its current owner, Stobart, put in plans to expand it, there has been some debate in the town about the benefits of the suggestion. I believe that the council will examine the proposals on 20 January. For my own part, I feel that to satisfy all residents' concerns there should be a public inquiry, but I know that the Minister cannot say anything about that and that it is a matter for the Secretary of State at the end of the day.

The council has invested £5 million in the third phase of improvements to the A13, which is one of the town's main arteries and is also subject to bad congestion. Although Government funding was received for the first and second phases, for which we were very grateful, nothing was provided for the third phase, which covers the area from the entrance boundary with Essex to a third of the way into the town centre.

I should tell the Minister that the decision not to extend the c2c and National Express contracts on our two rail links is creating uncertainty, particularly as there are negotiations under way with c2c and Network Rail regarding parking and redevelopment. I would be grateful if he had a word with his colleagues about the delay in that.

I am delighted to tell the House that throughout the summer, Southend enjoyed a relatively high level of tourism, and the local authority produced an attractive programme of events for tourists to enjoy.

I had the privilege of chairing proceedings on the London Olympic Games and Paralympic Games Bill, and I am a keen supporter of the games. Southend is bidding to become the United Kingdom's capital of culture for 2013, and several projects are under way that can only help the overall regeneration of the town. The international arts organisation, Metal, has come to Southend having renovated the grade II listed building, Chalkwell hall. I attended its launch at the end of September. It was a great occasion and a celebration of the town. Many events were held there, and that has done a great deal to boost morale.

We hope that, in the longer term, Metal will encourage creative businesses to set up in the town, helping us to become a regional centre for the creative industries. I was delighted that, before Christmas, the Heritage Lottery Fund awarded Prittlewell Priory museum a grant of £1.3 million. The grant will fund repairs and refurbishment, as well as creating new displays and a new external building, thus creating even more space for new displays. The project will also add new signage, trails and publications to connect Prittlewell priory with the surrounding area and landscape. The refurbished museum will tell the story of the priory from its monastic days to its life as a Victorian house, as well as that of the wildlife of the park. In addition to Southend council, the Friends of Southend Museums and the Cory Environmental Trust have pledged sums to match fund the lottery grant. That is all good news.

We are delighted that Hadleigh, which is close to my constituency, will be a venue for the 2012 Olympic mountain bike events. In addition, many venues locally would make an ideal base for hosting teams from smaller visiting nations. For example, I recently had the privilege of opening Eastwood school's new, wonderful, first-class sports complex. That would be an ide[illegible] for one of the smaller nations to use as a base [illegible]

There will be a state-of-the-art swimm[illegible]cility and a world-class Olympic-sized diving facility at Garon park. The council has invested £14 million to ensure that Southend residents, as well as visiting teams in training for the 2012 Olympics, can enjoy the facilities. In addition, other key swimming facilities in the town at Belfairs and Shoebury in my hon. Friend's constituency will be refurbished. I know that I speak for all local residents when I say that we are looking forward to the Olympic games. We certainly intend to ensure that Southend is at the heart of the celebrations.

Given Southend's waning popularity as a destination for weekend visitors, we have tried to direct its energy towards the twin activities of becoming the centre of culture for the east and becoming a centre of learning. We have a wonderful college, which has joined forces with the university of Essex under the excellent leadership of the principal, Jan Hodges. It was opened in 2007, and we have a marvellous campus, with performing arts, a business school and health and human sciences. Recently, we joined forces with Basildon and Thurrock. We welcome the fact that Southend is the lead in the partnership, but are somewhat disappointed that there does not seem to be funding for a single campus for South Essex college. Until there is additional funding, we will have a split-site campus, which is not ideal.

The Minister knows only too well that Southend has suffered a blow through job losses. HSBC has closed its card-processing facility, and 750 local jobs have been lost. I know that I speak for my hon. Friend when I say that we are concerned about the rumours of further job losses at Her Majesty's Revenue and Customs site in the town—the numbers working there have already been reduced. Further losses would certainly be unwelcome.

Finally, the pier regeneration is very important. As the Minister knows, Southend pier is the longest in the world and the town is famous for it. We were very disappointed recently about it. We had been given the impression that we were to be given funds to develop and restore the pier given that it has had three fires, and we invested £36,000 on a design competition because we were encouraged to do so by the Commission for Architecture and the Built Environment, but unfortunately our bid was unsuccessful. The Department for Culture, Media and Sport announced only £5 million of major projects when it was expected that there would be £15 million. Was that why the decision was delayed by four months?

About two years ago, a DCMS Minister was good enough to give us money to help deal with the cliff slippage that we suffered in Southend. The Department for Transport provided £1 million in the last financial year for emergency stabilisation in the west of Southend in Belton Hills and by Leigh railway station. Any further support the Government could give would be very welcome.

In conclusion, we are very grateful indeed for the help that has been given thus far for the regeneration of Southend, but any further help would be very much welcome.

11.11 pm

James Duddridge (Rochford and Southend, East) (Con): I congratulate my hon. Friend the Member for Southend, West (Mr. Amess) on securing this debate and look forward to the Minister's reply, given that he recently enjoyed a visit to Southend and the surrounding area. I ask three things of him: to count correctly, to fund directly, and to get the infrastructure right.

Counting correctly relates to the census. The failure to count 20,000 people in the 2001 census costs Southend £7 million each year, so counting correctly is the most

[James Duddridge]

fundamental single thing the Minister could review when considering the future prosperity and regeneration of Southend.

Secondly, on funding directly, I say candidly that there are far too many organisations with their fingers in the pot. We have extremely good directly elected councillors, and they should be allowed to get on with the job of spending the money as local residents desire, rather than the money going through an alphabetti spaghetti of acronyms and quangos. Frankly, those not only add little value, but are sometimes destructive of the value the council could add. I ask the Minister to get rid of some of those organisations and to fund everything directly.

Finally, on infrastructure, living in Southend sometimes feels like living on an island in the corner of Essex. We need to speed up traffic along the A127 and A13. The sea-to-sea rail line has been award winning, and despite the problems that National Express has had elsewhere in the eastern counties, I urge the Minister to consider awarding the contract and franchise to the existing management of the line, who have been absolutely fabulous. Given our road infrastructure problems, I would be very disappointed if the existing management of the sea-to-sea railway were not involved in the longer-term franchise for the line.

11.13 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Shahid Malik): It is a pleasure to engage in this debate under your stewardship, Mr. Deputy Speaker. I congratulate the hon. Member for Southend, West (Mr. Amess) on securing the debate, which is on a subject that is important to him, his constituents and others living in Southend. I also congratulate the hon. Member for Rochford and Southend, East (James Duddridge) on his contribution.

As I was sitting on the Bench earlier, a number of Ministers who have had the same responsibilities asked what debate I was here for. When I told them that it was on the regeneration of Southend, three of them said, "I've done that in the past." That is testament to the hon. Gentleman's commitment to his constituents and their well-being—and that goes for the hon. Member for Rochford and Southend, East as well.

It has been just over a year since we last had a debate about regeneration in Southend, and there has been much progress since then, as I saw when I visited in September. Since my visit I have been a big fan, as I was incredibly impressed. The hon. Member for Southend, West mentioned leadership, and I was impressed by the leadership and the partnership at work in Southend. I am very aware that partners in Southend have been working hard to ensure that the town becomes a thriving regional centre, with culture and commerce at its heart, and that it is seen as an exciting place to live, work and visit.

One of the most impressive things I saw was the education hub of South East Essex college and the university of Essex in the town centre. Those developments have attracted multi-million pound investment and brought many benefits, including employment opportunities, supporting learning and raising skills levels, and transforming the street scene with more young people living in and around the town centre.

I also note the comment made by the hon. Member for Rochford and Southend, East about counting. I am not fully aware of the issue, but I will get back to him with more information about the census. The issue was also raised by the hon. Member for Southend, West.

It is not surprising to find that regeneration features strongly in the recent comprehensive area assessment for Southend, published last month. The assessment recognises the important role that regeneration has played in transforming the town and highlights not only the education hub but other developments such as Pier Hill, Hamlet Court road and the network of 11 children's centres, many of which are located in the central areas of the town that I saw on my visit.

Importantly, Southend's regeneration has not simply been about bricks and mortar; it has also been about people, businesses and communities. It is about instilling confidence and encouraging people to join in and helping them feel in control of what goes on in their town. It is therefore important that we build on this success and exploit the potential within Southend. The local strategic partnership, Southend Together, has a shared vision to

> "ensure Southend is a proud and dynamic city".

Partners have been working together very productively to deliver that vision, and I was pleased to meet many of them during my visit last year. I mean that very sincerely.

There are also significant opportunities to promote the advantages of Southend's location close to London and the 2012 Olympics; to become both a nationally and internationally recognised centre of educational and cultural achievement; to make maximum use of its physical assets including the seaside and the magnificent world record-breaking pier; and to promote Southend as a place to live and work, as well as to visit. It is very good news that Hadleigh Farm has been selected as the venue for the mountain bike events in the 2012 Olympics. I know just what an inspiring venue it will be, with an amazing view across the Thames estuary—Constable country at its best.

I am sure that hon. Members will agree with me, however, that along with such opportunities, Southend, like many other seaside towns, still faces a number of real challenges, and the hon. Member for Southend, West alluded to many of them. It has significant pockets of social and economic deprivation, mainly centred in the Milton, Victoria and Kursaal wards, all of which rank in the top 3 per cent. of most disadvantaged wards in the country according to the indices of multiple deprivation.

Southend has of course not been immune from the effects of the global economic downturn, as the hon. Gentleman highlighted. It has some of the highest unemployment rates in the east of England. The claimant count in November 2009 was 5 per cent. compared with 3.4 per cent. for the region. It was 50 per cent. higher than the same time a year earlier, although unemployment has stabilised in recent months.

The hon. Gentleman was right to mention the airport. Certainly when I was there, there seemed to be a consensus among the regeneration leadership that it could be a good thing. However, he was right that it would be inappropriate at this stage for me to comment, given that it is likely to come before my Department and the Secretary of State in due course.

The hon. Gentleman will be aware of the urban regeneration company for Southend, Renaissance Southend Ltd, which brings together all the public and private partners in the area and the central area master plan, looking at the potential for redeveloping the town centre and improving the commercial seafront as a visitor attraction and destination.

The East of England Development Agency is supporting Renaissance Southend Ltd through core funding, as well as working with it and the council. It has invested more than £30 million in Southend over the past five years, most recently—I appreciate that the hon. Gentleman has already touched on some of these—on projects such as the £5 million redevelopment of the former Clifftown United Reform church into a state-of-the-art facility for the teaching, training, rehearsal and performances of the East 15 acting school students, and the new student accommodation and car park on London road, which promises to be a striking landmark for the town. It is obviously a bold design and certainly will be a talking point.

Both hon. Gentlemen have talked about the need to ensure that there is one Southend—in the sense that at the moment the various funding agencies perhaps cause confusion. I hope that they will be reassured that the new "single conversation", which has already begun between the Homes and Communities Agency and Southend partners on all aspects of housing, infrastructure and regeneration, will reduce some of the complexity.

The HCA carried out a reprioritisation exercise in September 2009 for projects provisionally identified for funding in the Thames Gateway delivery plan. I am pleased to say that Southend did well out of that reprioritisation, with seven out of 10 potential projects placed on the high priority list for funding, which is testament to the hard work of stakeholders and the project teams. Six of those now have funding agreements in place or near to completion, providing more than £9 million of funding, in this and the next financial year, for a mixture of public realm projects and studies of development potential.

Southend's role as a cultural and educational centre is being supported by partners in a number of ways. I am pleased to say that we have recently agreed to the merger of South East Essex college and Thurrock and Basildon college, which will help provide a wider range of curriculum and progression opportunities, further strengthening the education offer—something that is obviously critical given where we are in the economic downturn.

Hon. Members will recognise Southend's aim to become not only the cultural capital of the east of England, but the UK capital of culture in 2013, with its recent bid "Southend's Got Front". As the hon. Member for Southend, West mentioned, the recent opening of Chalkwell hall, the new home for Metal, will provide a low-carbon space that can be used as a power house for creativity in the community and far beyond, allowing artists to develop their talent and ideas.

The City Beach project, of which the hon. Gentleman is aware, with public sector funding of £7 million, will bring urban design improvements to the central seafront and public realm, based on enhancing the promenade, improvements to the sea wall and the installation of architectural lighting.

Improvements to transportation routes are important to the continued development of Southend. That point was well made by the hon. Gentleman. As was pointed out, a significant part of the borough council's plans is the work on Priory crescent and its junction with the A127 at Cuckoo corner—a pinch-point on the route to and from the eastern part of Southend. The Department for Transport has provided just under £5 million through the community infrastructure fund, or CIF2, taking the scheme through to completion by March 2011. Work on the Victoria gateway, which will provide improved pedestrian links between Victoria station and the town centre, will also start shortly. Both schemes should help to improve public transport prioritisation and through-route development of the south Essex rapid transit scheme. I also note the hon. Gentleman's point about c2c, which I will push in the direction of the relevant Minister.

However, as we know, regeneration is as much about communities as it is about physical infrastructure. I would like to note some of the work seeking to improve the lives of those in the more deprived areas. We have allocated £1.6 million from the neighbourhood element of the safer and stronger communities fund to Southend-on-Sea. The programme has delivered genuine results, such as the small grant programme for local people developing schemes to support their residents, as well as neighbourhood wardens, who patrol the local area during daytime hours.

Some £243,500 has been awarded from the social enterprise investment fund to set up the St. Luke's healthy living centre, a social enterprise aiming to improve the health and well-being of local people and create training, employment and social enterprise opportunities for residents. The local strategic partnership has also set up community voices, a series of free community engagement-focused events designed to give residents and businesses direct access to key agencies. The most recent event was themed "Beat the Recession", and provided advice and guidance on a range of topics, from personal finance to dealing with stress.

The hon. Gentleman also spoke about the pier and the redevelopment there. Wave 3 of the sea change programme was heavily oversubscribed. The sea change partnership, which is led by the Commission for Architecture and the Built Environment, which manages the programme on behalf of the Department for Culture, Media and Sport and its partner non-departmental bodies, had to make difficult choices among good projects. Written feedback on why the bid was unsuccessful has been given to Southend borough council. Wave 3 of the sea change programme takes us to the end of 2010-11, and it is too soon to make announcements on public expenditure beyond then.

There is no doubt that Southend is a place with a very bright future indeed. However, we must ensure that the momentum is consolidated and built upon. We recognise that, with other places, Southend faces challenges, some of which have been made more difficult in the current economic climate. The Government and local partners have been actively working together to try to reduce the impact of the downturn on local communities and businesses.

11.28 pm

House adjourned without Question put (Standing Order No. 9(7)).

2

House of Commons

Wednesday 6 January 2010

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

LONDON LOCAL AUTHORITIES BILL [*LORDS*]
(*BY ORDER*)

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Wednesday 13 January.

Oral Answers to Questions

WALES

The Secretary of State was asked—

Aluminium Industry

1. **Mr. Robert Goodwill** (Scarborough and Whitby) (Con): What recent discussions he has had with the First Minister on the future of the aluminium industry in Wales. [308870]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): We remain committed to supporting the aluminium industry in Wales, as we demonstrated with our strenuous efforts to save jobs at Anglesey Aluminium over the summer.

Mr. Goodwill: To be fair to the Government, I guess that they did as much as they could to try to ensure the survival of Anglesey Aluminium, but is not the fundamental problem the operation of the European Union emissions trading system, which is making it increasingly difficult for primary metallurgical industries to operate in the EU? It would be all well and good if it resulted in the reduction of global CO_2, but it merely results in carbon leakage to other economies such as China and India, which are not constrained in the same way.

Mr. David: The hon. Gentleman is perfectly correct about the Labour Government's efforts with regard to Anglesey Aluminium. We made strenuous and laborious efforts over the summer to try to save those jobs as far as we possibly could, but unfortunately, for commercial reasons, the company was not able to accept the offer that was made to it. I must say that we remain committed to the aluminium industry generally in Wales and, of course, in the whole of the United Kingdom, but it is important to recognise that we operate within a European Union framework. Naturally, we are concerned about the environment and carbon emissions, and we are doing everything possible to work with our European partners to ensure that those emissions are kept to an absolute minimum. It is important to recognise also that European Union directives have an important role to play in sustaining this country's economy.

Albert Owen (Ynys Môn) (Lab): A happy new year to you, Mr. Speaker, and to all Members.

The decision by Rio Tinto Alcan to cease production at Anglesey Aluminium has left a massive hole in the regional economy of north-west Wales, but I put on the record my thanks to the Wales Office and, indeed, to the Government for their efforts with their generous offer and intervention to keep production going. Unfortunately, the company's internal matters took precedence.

Looking forward to the future use of the land on the Anglesey Aluminium site and the concept of green energy, does the Minister agree that we need to move forward to ensure that those jobs are kept on Anglesey? Will he meet the First Minister to ensure that priority is given to Anglesey?

Mr. David: I also wish my hon. Friend a happy new year. I am sure that it will be a happy new year for Labour, too. The prospects for the island of Anglesey are rosy. For example, I welcome the decision by the Nuclear Decommissioning Authority to consider Wylfa as a potential site for new nuclear build, and obviously we are looking at various options to ensure that the available land on the Anglesey Aluminium site is used in the most productive way possible. I am aware that a very positive meeting occurred between representatives of a certain company, my hon. Friend and the Secretary of State for Wales, and I am sure that those deliberations will continue. I shall use my good offices to hold discussions with the First Minister as well.

Mr. David Jones (Clwyd, West) (Con): In 2007, when Lord Mandelson was European Trade Commissioner, he promoted a scheme for halving duty on the imports of aluminium to the EU. That was to the significant benefit of the Russian aluminium industry. To what extent does the Minister consider that that decision contributed to the demise of Anglesey Aluminium?

Mr. David: I do not believe that it was a factor in any way at all, because the aluminium industry throughout the world has faced difficulties. We are of the view that working closely with our European partners is entirely positive, and that is recognised by Rio Tinto, for example, which is an international player. Of course, discussions take place with the European Union, but it is important to recognise that we live in an international community, and the European Union is a big and positive player.

Car Scrappage

2. **Mrs. Betty Williams** (Conwy) (Lab): What assessment he has made of progress on the car scrappage scheme in Wales; and if he will make a statement. [308871]

The Secretary of State for Wales (Mr. Peter Hain): Since its launch, the car scrappage scheme has generated more than 291,000 orders for new vehicles in the UK, with about 14,500 of those orders having been made in Wales.

Mrs. Williams: I thank my right hon. Friend for his response, particularly as it confirms my own view. Does he agree that the car scrappage scheme has been of greater value to the British and, indeed, Welsh economies than would have been the Opposition's proposals to cut inheritance tax for their wealthy supporters?

Mr. Hain: I could not have put it better myself; my hon. Friend has got it in one. Rather than wasting public sector money on the richest people in Britain, very few of them in Wales, with inheritance tax giveaways, our putting money into the car scrappage scheme has increased production by a fifth at Ford Bridgend and resulted in a fifth of all new car registrations throughout the UK. That is active government—government supporting people, not favouring a tiny, rich few.

Wind Farms (Montgomeryshire)

3. **Lembit Öpik** (Montgomeryshire) (LD): What assessment he has made of the potential effects of construction work on new wind farms in Montgomeryshire on the level of traffic and the environment in that area. [308872]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): We firmly believe in the long-term benefits of wind energy. Any assessment of traffic and the environment would, of course, be a matter for the relevant planning authority.

Lembit Öpik: Many in Welshpool, Cefn Coch and across Montgomeryshire are very worried about the thousands of slow-moving lorry loads required to build potentially 700-plus turbines, which will cause traffic gridlock. They are also concerned about the environmental impact of the turbines themselves. Will the Minister meet me to hear in more detail the concerns about the traffic flows and about the environmental impact of turbines, if they are built?

Mr. David: Of course wind energy is the most commercially viable renewable technology available, so it is important to go along and enhance its development whenever possible. I hear what the hon. Gentleman says and I was in Welshpool last year myself and saw the area that he talked about. We will continue to monitor the situation while recognising that responsibility lies with the Welsh Assembly Government, but I would be happy to have further discussions with the hon. Gentleman and other colleagues on this matter in future.

Economic Inactivity

4. **Mr. Mark Harper** (Forest of Dean) (Con): What recent discussions he has had with the Secretary of State for Work and Pensions on the level of economic inactivity in Wales. [308873]

The Secretary of State for Wales (Mr. Peter Hain): Because of the actions my right hon. Friend the Secretary of State for Work and Pensions and the Government have taken to preserve jobs and get people back to work, the level of economic inactivity in Wales fell by 3,000 from the last quarter. We will not let short-term job losses turn into long-term unemployment. We will not allow Welsh communities to be scarred by worklessness again.

Mr. Harper: I am grateful for that answer. The Secretary of State recently said in the Welsh Grand Committee that unemployment in Wales may well keep rising for some time during 2010. Has he made any estimate of the level at which he thinks unemployment may peak during this recession?

Mr. Hain: What has been interesting is that all the commentators are now saying that unemployment will peak at a far lower level than has been said by the Opposition and was previously feared. We have now seen economic activity rates in Wales down 3,000; jobseeker's allowance and claimant count figures down 500; vacancies up 2,000; and unemployment still up 93,000 in Wales on what we inherited from the miserable Conservative Government last time.

Ann Clwyd (Cynon Valley) (Lab): My local authority of Cynon, Rhondda and Taff is particularly pleased with the future jobs fund and the impact it is having on employment in the Cynon valley. Will my right hon. Friend assure me that the Government will continue to protect those who are out of work—unlike the Conservative party in the 1980s, which threw people on the scrapheap?

Mr. Hain: Again, my Back-Bench colleagues are eloquent in their denunciation of failed policies on the other side of the House.

Michael Fabricant (Lichfield) (Con): They would be, wouldn't they?

Mr. Hain: Well, they would be because they represent Welsh seats that were devastated by Tory policies in the 1980s and 1990s when the number of people on incapacity benefit in constituencies such as that of my right hon. Friend the Member for Cynon Valley (Ann Clwyd) and mine tripled. It has been coming down under Labour. My right hon. Friend is absolutely right that we have seen active Government intervention, spending and investing over the past two years—continuing into the future—rather than a Government who will slash spending and condemn people to losing jobs, bankrupting businesses, plunging Britain and Wales into exactly the same cycle of decline and depression from which we rescued Britain and Wales when we came to power in 1997.

Hywel Williams (Caernarfon) (PC): In the Witney constituency of the Leader of the Opposition, 10 claimants are chasing every vacancy. In the Rhondda, 75 claimants are chasing every vacancy, while in Neath it is 35. Will the Secretary of State press his colleague in the Department for Work and Pensions to modulate the pressure on claimants to find work, reflecting local conditions such as those I mentioned? To do otherwise, I think, would be both impractical and inhumane.

Mr. Hain: I take the hon. Gentleman's point, and if he has any concrete examples, I would be happy to take them up with my right hon. Friend the Secretary of State for Work and Pensions. The hon. Gentleman will understand the imperative of encouraging people to stay in the world of work. If, sadly, people have been made unemployed, what we are doing, which was not done in the 1980s and 1990s, is to provide them with job opportunities, training and support so that when vacancies arise—there are more and more of them in the Welsh economy generally— they can take that opportunity locally. About half the claimants leave jobseeker's allowance within three months and more than 70 per cent. within six months—a far better record than in the miserable Tory 1980s and 1990s.

Julie Morgan (Cardiff, North) (Lab): Does my right hon. Friend agree that the growth in the manufacturing industry that was noted in the purchasing managers index survey published on Monday will be good news for Wales, bearing in mind our above-average dependency on manufacturing industry? Does he not think that that will help to bring down the level of economic inactivity?

Mr. Hain: I do indeed. No one is suggesting that this recession has been anything other than extremely difficult for businesses and for those whose jobs have been under threat, but my hon. Friend is absolutely right: the latest PMI index report shows that private sector growth in Wales increased in November for the seventh successive month. Manufacturing is up, and employment rose for the first time in two years. Wales was the only UK region to record job creation during November, and the latest figures show that the growth in exports from Wales since 1999 was greater than in all the rest of the UK put together. That is a good record under Labour.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): Perhaps the Secretary of State will take off his rose-tinted glasses. Under Labour, more than 100,000 more people are economically inactive in Wales than the entire population of Cardiff. In the past year, the number of long-term unemployed has more than doubled. Welsh gross value added has gone backwards compared with the rest of the UK, and Wales is the poorest part of the country. What effect does the Secretary of State think that that is having on the social fabric of Wales?

Mr. Hain: The difference between this, the deepest recession that Britain has faced in generations, and the much lighter recessions that the Tory Governments completely failed to deal with in the 1980s and 1990s in Wales is that people are now being helped out of difficulty and the economy is starting to recover. It is recovering much more quickly than people expected, and much more quickly than the doom merchants on the Conservative Benches who have been talking Wales down have been saying it would. That is because we have adopted active government policies to invest in jobs and support businesses, rather than turning our backs on businesses as was done in the Tory 1980s and 1990s.

Mrs. Gillan: I do not live in the 1980s; I live now. Given the importance of employment in agriculture, is the Secretary of State concerned that under Labour, gross value added per capita for Welsh agriculture has fallen by more than 68 per cent., or more than two thirds? This shocking decline is worse than in any other part of the United Kingdom. Is it not a fact that the legacy of Labour in Wales will be more unemployment, more poverty, more debt and a devastated rural economy?

Mr. Hain: The problem is that hundreds of thousands of people in Wales had to live in the 1980s and 1990s under a Tory Government. That is why we are determined to prevent the Tories from inflicting such misery on them again. The hon. Lady does not acknowledge that there are now 93,000 more jobs in Wales than when we followed the Tories into power, despite this being the most difficult recession for 60 years. That is a record of Labour success against Tory failure.

Funding and Finance for Wales

5. **Nia Griffith** (Llanelli) (Lab): What recent discussions he has had with the Chancellor of the Exchequer on the operation of the Barnett formula in Wales. [308874]

8. **Mr. Elfyn Llwyd** (Meirionnydd Nant Conwy) (PC): What assessment he has made of the recommendations of the Holtham commission on funding and finance for Wales; and when the Government plan to implement the recommendations that they accept. [308877]

The Secretary of State for Wales (Mr. Peter Hain): The Holtham report made it clear that, although funding is currently at a fair level, spending allotted to Wales could decline in relation to that of England. That is why I have fought hard for an historic new commitment from the Treasury on funding, to prevent the people of Wales from being disadvantaged in the future.

Nia Griffith: I fully recognise the autonomy of the Welsh Assembly Government in determining specific spending priorities. What can the Secretary of State tell me, following his discussions with Welsh Assembly Ministers, that will reassure my constituents about the overall level of funding available for public services in Wales?

Mr. Hain: I remind my hon. Friend, the House and the people of Wales that the Welsh budget has more than doubled under Labour, going up from about £7 billion to nearly £16 billion next year. Again, that is a fantastic record compared with the Tory years. Spending on health services in Wales has more than doubled, for example, and there are now more nurses, more doctors and more health workers. That is a record of Labour's success that should reassure my hon. Friend, but we must protect Wales's budget in the future.

Mr. Llwyd: Now that there is irrefutable evidence of the unfairness of the Barnett formula, the time is surely right for a new formula to be devised on the basis of need. The Secretary of State said that he had an understanding with the Treasury, but Ministers have always been able to argue for more money for their Departments. What we really need is a fair structure. Can we not work together to achieve that?

Mr. Hain: I congratulate the hon. Gentleman on his modesty. Before Christmas, he told a media outlet that his favourite literary character is Superman. "Is it a bird? Is it a plane? No, it's the hon. Member for Meirionnydd Nant Conwy!"

I agree with the hon. Gentleman and I am happy to work with him, because the issue is one for Wales as a whole. To his and his colleagues' credit, they have asked questions about the Barnett formula. The formula has worked fairly up to now, as the Holtham commission said, but we need to ensure that it works fairly in future. That is why the formula and the agreement I got with the Treasury for assessing the allocation to Wales under the comprehensive spending review have to be refined to protect Wales's future.

Alun Michael (Cardiff, South and Penarth) (Lab/Co-op): Does my right hon. Friend accept that as well as moving to the fairest possible system for the allocation of finances, we must understand that the problem with formulae is always unpredictable year-on-year fluctuations? We have seen that in local government, police, health service and other formulae. Will he ensure that any new system makes sure that there is predictable income year on year, whatever the elements on which it is based?

Mr. Hain: As always, my right hon. Friend makes a very telling point. This goes to the heart of the issue, which is that the Holtham report showed that although Wales had been treated more or less fairly, under seriously large increases in public spending we could see a convergence between Wales and the English average, which would disadvantage Wales against those areas of England that are most comparable with it, particularly the north-east. That is why we needed a new approach that underpinned the Barnett formula with an assessment that ensures every time that Wales is not disadvantaged—it puts a floor, as it were, under convergence—which is what I have achieved.

Road Accidents

6. **Mr. Andrew Pelling** (Croydon, Central) (Ind): How many road traffic accidents there were in Wales in the latest period for which figures are available. [308875]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): The number of people killed or seriously injured in 2008 was 1,395, which is 31 per cent. lower than the average in the period 1994 to 1998. In 2008, 7,783 road accidents involving personal injury were reported in Wales. We are taking steps to reduce road traffic accidents still further. [*Interruption.*]

Mr. Speaker: Order. There are far too many private conversations taking place in the Chamber. The House must come to order, and I know that it will want to listen to the hon. Member for Croydon, Central (Mr. Pelling).

Mr. Pelling: The debacle last winter of clearing the roads of snow and ice is perhaps being repeated this winter, with the roads up the valleys in south Wales being closed. Is it safe for my constituents from Croydon, Central, some of whom are Welsh and want to visit relatives, to visit Wales at this time?

Mr. David: The Government in all parts of the United Kingdom are taking drastic action to ensure the greatest free movement of traffic possible. As far as the Welsh Assembly Government are concerned, an announcement has been made that stocks are held for motorways. They are ensuring that stocks that are available for motorways are, if necessary, being made available for local authorities to help with other roads in Wales.

Mrs. Siân C. James (Swansea, East) (Lab): The travel conditions in the snow at the moment are important and we all appreciate the difficulties. However, going back to serious measures that deal with road traffic accidents in Wales, I am sure the Minister will join me in congratulating the Welsh Assembly Government on their initiative to reduce speeds outside schools to 20 mph. That is a really important initiative that helps to save lives.

Mr. David: My hon. Friend is perfectly correct. The Welsh Assembly Government and police forces are working together in Wales on a number of initiatives to improve safety generally, and the one she cites is a very good example. Action is being taken outside a number of schools in Wales to ensure that there is the smallest possible chance of accidents, and it is proving to be extremely effective.

Mr. Roger Williams (Brecon and Radnorshire) (LD): Statistics show that more than one third of all road traffic accidents in Wales in 2008, including 52 deaths and 372 serious injuries, involved young people between the ages of 16 and 25. Many of those accidents could be prevented by better training for young and newly qualified drivers. With that in mind, will the Under-Secretary meet me, other like-minded Members of Parliament and academics from Cardiff university who are involved in those issues, to see whether we can find ways to ensure that newly qualified young drivers can drive more safely, and thus reduce the tragic number of lost young lives?

Mr. David: The Government are making good progress on reducing fatalities and serious injuries. A 40 per cent. reduction target has been set and we are making good progress towards achieving it. However, the hon. Gentleman is right to say that we need to focus on young people, and the Government are doing that. I would be happy to have further discussions with him to see how that can be taken forward.

Future Jobs Fund

7. **Mr. Dai Havard** (Merthyr Tydfil and Rhymney) (Lab): What recent discussions he has had with the Secretary of State for Work and Pensions on the progress of the future jobs fund in Wales. [308876]

The Secretary of State for Wales (Mr. Peter Hain): The £1 billion future jobs fund is already creating 4,300 jobs where they are needed most in Wales, including through the successful Merthyr Tydfil borough council bid, which alone will create more than 700 jobs in Merthyr and the nearby communities, helping many of my hon. Friend's young constituents to find jobs.

Mr. Havard: I thank my right hon. Friend for that answer, which is in stark contrast to the abandonment of young people in the valleys by the Tories in previous recessions. What discussions will he have about economic regeneration and training opportunities to consolidate those that are available, so that the future jobs fund becomes an opportunity for future employment?

Mr. Hain: I applaud my hon. Friend's diligent application in supporting his constituents and his expert knowledge of the schemes. I am happy to continue to explore ways in which we can take them forward—they matter so much to Merthyr and areas such as my constituency.

I agree with my hon. Friend: I do not understand how the Leader of the Opposition can want to stop the future jobs fund and prevent funding from coming in to support young people, thus condemning them to the misery and unemployment that they suffered in the 1980s and 1990s under a Tory Government. That would be repeated if the right hon. Gentleman got power.

Mark Williams (Ceredigion) (LD): Despite the benefits of the future jobs fund—I pay tribute to it for the jobs that have been created in my constituency—45 per cent. of those unemployed are under 25. Does the Secretary of State share the concerns of the Prince's Trust about opportunities for young entrepreneurs to create businesses and jobs for the future?

Mr. Hain: I very much agree with the hon. Gentleman. As he knows, one of the future jobs fund schemes is in Ceredigion. The Prince's Trust does fantastic work in Wales and elsewhere, and we should support its efforts to encourage young entrepreneurs to get themselves out of the crisis. That said, because of active Labour Government investment and the policies that we have pursued, youth unemployment is a third lower than it was in the early 1990s under the Tories. *[Interruption.]*

Mr. Speaker: Order. There is still far too much noise in the Chamber. It is unfair to hon. Members asking questions and, indeed, to Ministers answering them.

Youth Employment

9. **John Robertson** (Glasgow, North-West) (Lab): What recent discussions he has had with the First Minister on assisting young people into employment; and if he will make a statement. [308878]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): We know that young people in Wales and throughout the United Kingdom have been hit particularly hard by the recession. That is why we quickly introduced measures such as the young person's guarantee and the future jobs fund—to help them to find work as quickly as possible.

John Robertson: Further to the questions asked by my hon. Friends the Members for Ynys Môn (Albert Owen) and for Merthyr Tydfil and Rhymney (Mr. Havard), my hon. Friend knows that when larger employers close, it has the social effect of well-paid jobs and apprenticeships being lost. What is he doing to ensure that well-paid jobs and apprenticeships are maintained in affected areas?

Mr. David: It is important to remember that some 54,000 young people have been helped into work in Wales through a new deal for young people and £1 billion has been set aside in the future jobs fund. Those schemes are creating real jobs for young people the length and breadth of the United Kingdom, including Wales. I find it strange that Opposition Members opposed both initiatives. We are adamant that the mistakes of the past in the 1980s and 1990s will not be repeated. We will not stand aside and allow our young people to be lost from work for a whole generation.

Mr. Stephen Crabb (Preseli Pembrokeshire) (Con): But is it not the truth that this Government's approach to youth unemployment has been characterised by massive complacency and a failure to engage with the issue? When the Minister and the Secretary of State met for their friendly pint with the new First Minister last night, what practical steps did they agree on to rescue Wales's lost generation of young people—the tens of thousands of youngsters doing nothing constructive with their lives?

Mr. David: The most important thing to realise is that we will not repeat the mistakes of the Tory past. That is the lesson that we have learned here at Westminster, and that the Welsh Assembly Government in Cardiff are learning as well. We are working together in a spirit of partnership to make sure that as many people as possible are put back into work as soon as possible, and our progress is there for all to see. If the Tory policies were implemented, there would be far more unemployed people in Wales than there currently are.

Chris Ruane (Vale of Clwyd) (Lab): Will my hon. Friend join me in congratulating the Rhyl city strategy team on its successful bid for the future jobs fund, which will put 320 young people back to work in my constituency over the next six months?

Mr. David: I congratulate my hon. Friend on the excellent work he has been doing. What is happening in Rhyl is a good example of what can be achieved through proactive government at local authority level, Welsh Assembly level and here at Westminster as well. It is an excellent example of what can be achieved when we all work together and we do not stand to one side. It is worth remembering, too, that unemployment in Wales is still 30 per cent. lower than at the height of the early '90s; we will not forget that.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [308855] **Mr. Brian H. Donohoe** (Central Ayrshire) (Lab): If he will list his official engagements for Wednesday 6 January.

The Prime Minister (Mr. Gordon Brown): Before listing my engagements, I am sure that the whole House will wish to join me in paying tribute to the soldiers who have lost their lives in Afghanistan since we last met. They are: from 33 Engineer Regiment, explosive ordnance disposal, Sapper David Watson; from 2nd Battalion the Duke of Lancaster's Regiment, Corporal Simon Hornby; from 1st Battalion the Royal Anglian Regiment, Private Robert Hayes; from the Parachute Regiment, Lance Corporal Tommy Brown; from 3rd Battalion The Rifles, Lance Corporal Christopher Roney and Rifleman Aidan Howell; and from 4th Regiment Royal Military Police, Lance Corporal Michael Pritchard. Our thoughts are with their families and friends, who can be rightly proud of the courage, dedication, bravery and sacrifice shown by these men. That sacrifice will never be forgotten. We have been reminded once again since the House last met that there are those who seek to harm us through terrorist incidents. We must remain vigilant and ever grateful to all those serving in Afghanistan and around the world working for the safety of the British people.

I know that the House will also want to join me in sending our condolences to the wife and children of David Taylor who, sadly, died on Boxing day. He was a tremendous constituency Member of Parliament who thoroughly deserved the accolade of Back Bencher of the Year for his tireless work for the people of North-West Leicestershire. He will be greatly missed, not only by his family, who are here in the House today, but by colleagues in Westminster and all his constituents.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall have further such meetings later today.

Mr. Donohoe: I would of course endorse all that my right hon. Friend says about those who have made the sacrifice of dying for their country while fighting in Afghanistan. I also want to say something about those in the west of Scotland who have died as a result of taking heroin, all harvested in Afghanistan, and to pay tribute to my hon. Friend and comrade, David Taylor, who served in this House assiduously and gave his all in his constituency as well.

If I may turn to the question, will my right hon. Friend the Prime Minister give us an update on the situation in respect of the terrorist incident that took place on the plane travelling from Schiphol in Amsterdam to Detroit?

The Prime Minister: The whole House will echo what my hon. Friend says about the damage done in our country by drugs that come from Afghanistan, and I would be very happy to meet him to talk about those issues.

Since the Christmas day incident in Detroit, we have, as the Home Secretary reported to the House yesterday, taken a number of actions in key areas. In aviation security, the first of a new generation of full-body scanners will be in operation at Heathrow within a few weeks, and then, over time, in airports across the United Kingdom. Although the person who was involved in the Detroit incident was refused a visa and was on our watch list, we are nevertheless reviewing and enhancing our watch list arrangements, and given the changing nature of security, I have asked the Cabinet Secretary to ensure that any lessons that can be learned from recent events are considered and to examine whether we can further co-ordinate and integrate the work of the intelligence services and better make that work available to us.

Mr. David Cameron (Witney) (Con): May I join the Prime Minister in paying tribute to the seven British servicemen who have lost their lives since the last Prime Minister's questions? They were: Private Robert Hayes, Sapper David Watson, Rifleman Aidan Howell, Lance Corporal Tommy Brown, Lance Corporal Christopher Roney, Lance Corporal Michael Pritchard and Corporal Simon Hornby. They died serving our country, and we must always honour their memory and look after their families.

I also join the Prime Minister in paying tribute to David Taylor and his contribution to public service. We, too, send our condolences to his wife and children. He was diligent, decent and determined. As one obituary brilliantly put it, he

"was that rare thing among politicians: someone who was liked and admired equally by his constituents, his parliamentary colleagues and his political opponents."

He will be sadly missed.

This year the Government will have to borrow £178 billion. Yesterday, one of the largest holders of Government debt warned that British debt is likely to be downgraded. The OECD, the CBI and the Bank of England have all warned that there is no proper plan to deal with the deficit. Why does the Prime Minister think that all those people take that view?

The Prime Minister: First of all, let us put this in context. The debt of every country has risen as a result of the global financial recession, and debt in Britain is actually lower as a percentage of national income than that of America, lower than in France and Germany, lower than in Italy and Japan, and lower than the average for the euro area. So every country faces the difficulty of taking itself out of recession while having to develop a deficit reduction plan. I tell the right hon. Gentleman that we will not stop the fiscal stimulus before we are out of recession, and we will not take his advice and leave the economy without the necessary support. If we had taken his advice, many thousands more would be unemployed and many thousands of businesses would be lost.

We have published a deficit reduction plan—*[Interruption.]* Yes, it includes raising the top rate of tax. I assume that the right hon. Gentleman now supports that. It raises national insurance so that we can fund our health and public services. I assume that he has to consider that as well. It does not include cutting inheritance tax—costing £1.5 billion—for the 3,000 richest families in the country. It includes cuts in some of the major Departments, but it includes defending the front-line services of health, education and policing. He asks me about public spending this week after he said that it was the year of change—he changed his policy in the morning, he changed his policy in the afternoon and he changed his policy in the evening.

Mr. Cameron: The Prime Minister talks about the context. The context is the biggest budget deficit of any advanced economy in the world. Let us be clear about what these people say about the Government's plans. The CBI says that the Government's plans are "too little too late". The Governor of the Bank of England says that

"there is not a credible plan".

The OECD says that

"more ambitious plans…would strengthen the recovery".

Howard Davies, the man whom the Prime Minister appointed as the head of the Financial Services Authority, said that

"the loss of confidence in the Government's ability to get the public finances back under control"

is

"The major risk"

facing this country. And he said that after the utterly feeble pre-Budget report. So let me ask the Prime Minister again: why does he think that all those people think that his plans are so feeble?

The Prime Minister: The Governor of the Bank of England said:

> "The very significant policy actions taken in recent months will…stimulate a recovery in demand, output and employment."

The IMF said that the UK

> "has shown a lot of leadership"—

[Interruption.] That was the managing director of the IMF. It also said:

> "The UK authorities' policy response to the deep recession…has been bold and wide ranging…The aggressive actions by the authorities have been successful in containing the crisis and averting a systemic breakdown."

I could go through the others. The OECD said that the "fiscal stimulus" has "cushioned the downturn."

It comes down to this: if we had taken the right hon. Gentleman's advice, there would have been no action and unemployment would have risen much faster. If we had taken his advice, the 200,000 small businesses that have benefited would not have done so. If we had taken his advice, we would be back to the '90s mortgage misery with repossessions. The Conservative party got wrong every decision on the recession and the recovery.

Mr. Cameron: The fact is that the Chancellor is now taking our advice. He said that we can get growth only when we deal with the deficit. The Prime Minister tells us about his Fiscal Responsibility Bill, but it is completely feeble. What is required is not an Act of Parliament, but an act of political will—an act of courage. The man whom the Prime Minister appointed to the Bank of England said this about fiscal responsibility Acts. They are, he said,

> "acts…of the fiscally irresponsible to con the public."

Is not the reason for the lack of faith in the Government's plans that the Prime Minister is so personally incapable of admitting what everyone knows to be true: that there is a need for cuts to be made? On Sunday, he said that public spending will rise by 0.8 per cent. in real terms each year. Given that everybody knows that cuts in departmental spending are necessary, was that not just completely disingenuous?

The Prime Minister: The person who was misleading the public was the right hon. Gentleman on Monday, about a married couples allowance. He said one thing on Monday morning, something different on Monday afternoon and something different on Monday evening, and then the right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith), who floated the policy, the former leader of the Conservative party, said that he had a private assurance of £4.9 billion being spent. If the right hon. Gentleman wishes to reduce the deficit, presumably he does not want to spend £4.9 billion on a married couples allowance. If he wishes to reduce the deficit, presumably he will go ahead with the national insurance tax rise that we are proposing. If he wishes to reduce the deficit, he will not go ahead with his inheritance tax proposal, which he now says is his only pledge. We are reducing the deficit with a plan that includes tax rises, departmental cuts and protecting front-line services. The Conservatives would be cutting education services, police services and the main services in the country. Their policies are a change—a change back to the economics of the 1980s. *[Interruption.]*

Mr. Speaker: Order. May I just say to Members on both sides that we are not on the hustings now?

Mr. Cameron: I wish we were. I wish this Prime Minister had the courage to call the election so we could get on with it. I have to say, what a lot of desperate rubbish from the Prime Minister. I thought that he might mention marriage, so let me say this to him. The difference between me and the Prime Minister is this: when I lean across and say, "I love you, darling," I really mean it. The only divorce that has taken place is between this Prime Minister and reality. Let us take his claim that spending is going up by 0.8 per cent. Is not the only way that he can make that claim by excluding capital spending, which he is actually cutting in half? Is that not completely disingenuous?

The Prime Minister: The right hon. Gentleman talks about love and marriage, when he is the person who cannot give a straight answer on the married couples allowance: he cannot say, "I do," or "I don't," when it comes to the married couples allowance. As for the public, will he give us a straight answer now? Does his deficit reduction plan include £4.9 billion to be spent on the married couples allowance, £1.5 billion to be spent on inheritance tax and not going ahead with the national insurance rise? That is why everybody says that there is a £34 billion gap in his proposals. He cannot go round the country promising everything to everyone. He has got to face up to the facts: his policies are fit only for opposition, not for government.

Mr. Cameron: If the Prime Minister wants to turn this around and make it Prime Minister's questions, he should get on and call the election. Then there would be all the time in the world to kiss and make up.

The fact is that this Government are now deeply divided. Everyone knows that the Chancellor wanted to reduce the deficit more quickly. Everyone knows that the Business Secretary goes around the country privately attacking the PBR as a complete failure. Perhaps the Prime Minister could name one Back Bencher on the Labour side who stood up and spoke for his Fiscal Responsibility Bill last night. Not a single one. Does he not understand that a divided party without a proper plan is putting Britain's recovery at risk? Is that not the height of irresponsibility, and why is he always incapable of doing the right thing?

The Prime Minister: Let me just give another example for the right hon. Gentleman. Last night he was asked, "Are you committed to education maintenance allowances?" What was his answer?

> "Let's just say I'm not uncommitted to it".

He then said:

> "Well, we're in a state of quite severe flux on this whole area…so I can't give you a straight answer".

Is this an Opposition party ready for government? It should go back to the drawing board and think again.

Mr. Cameron: The fact is that the appalling state of the public finances and the Prime Minister's complete inability to have a proper plan show the great truth of British politics. He has had two years to demonstrate some leadership, and he has completely failed to do so. He cannot convince business or the financial markets, and he cannot even convince his own Chancellor. Is it any wonder that he ekes out his time as an unelected leader completely incapable of convincing the country?

The Prime Minister: He is going to have to do better than that. He is going to have answer some questions on policy some time. He got it wrong on the nationalisation of Northern Rock, he got it wrong on the fiscal stimulus for the recovery, he got it wrong on helping the unemployed, he got it wrong on helping home owners, he got it wrong on small businesses. He got every issue of the recession wrong. Nobody will trust him, not just on married couples allowance but on the economy at all.

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): A year on from the devastating conflict in Gaza, which left 1,400 Palestinians dead, the siege continues. Humanitarian relief is hard to come by, and Gaza lies shattered. Although there were undoubtedly war crimes on both sides, does my right hon. Friend agree that what is now happening is the collective punishment of 1 million people? Will he now make urgent representations to ease the siege on Gaza as a critical step towards a peace settlement in that region?

The Prime Minister: My hon. Friend is absolutely right, and she speaks for many people. We must not forget the people of Gaza. I have raised with Prime Minister Netanyahu the speed at which aid and humanitarian assistance can get into Gaza, and we are pressing the Israeli Government to do more to get more aid in. I will look at exactly the points that my hon. Friend has made and see what more we can do in this new year. In the end, this will require a political settlement between Israel and the Palestinian state that gives Israel security and Palestine a viable economic state that it can manage. In the meantime, we must avoid unnecessary suffering.

Mr. Nick Clegg (Sheffield, Hallam) (LD): I also add my own expressions of profound sympathy and condolence to the family and friends of the brave British soldiers who have lost their lives serving in Afghanistan since the House last sat: Corporal Simon Hornby, Lance Corporal Michael Pritchard, Lance Corporal Christopher Roney, Lance Corporal Tommy Brown, Rifleman Aidan Howell, Sapper David Watson and Private Robert Hayes.

I would also like to pay my own tribute to David Taylor, who sadly died during the Christmas recess. I was once one of the MEPs for his area, and he had a reputation then—and always has had—as an outstanding constituency MP and someone who always spoke his own mind. My heart goes out to his wife Pam and his four daughters.

Last weekend, the Prime Minister said that he was all in favour of aspiration. Could he explain to us exactly what is aspirational about a tax system that he has created in which the poorest 20 per cent. pay more from their income in tax than the richest 20 per cent.?

The Prime Minister: It was because of all these things that we introduced the tax credit system, which is the means by which we take people out of poverty. We reward work for people who are in work, and for people who pay income tax it removes their liability by giving them tax credits instead. It is the means by which we bring greater justice, take people out of poverty and make work pay, and I hope that the right hon. Gentleman will continue to support the tax credit system, which is an essential part of our tax and benefits system in this country.

Mr. Clegg: The Prime Minister talks about justice. He has not delivered justice or fairness in the tax system. He is the one who scrapped the 10p tax rate. It is his rules that allow a City banker to pay less tax on capital gains than a cleaner pays on wages. He is about to hit millions of average earners with higher national insurance bills. Where is the fairness, where is the aspiration, in any of that?

The Prime Minister: The aspiration is helping people into jobs, giving people the chance to earn a decent living, and ensuring that the tax system is fair.

Presumably the hon. Gentleman will now support our 50 per cent. tax on the bonuses of the banks. Presumably he will support the raising of the top rate of tax to 50 per cent. Presumably he will support the removal of pension tax reliefs, which we are carrying out as very much part of the deficit reduction plan. What we have tried to do is ensure that in these difficult times, as we make changes, the burden is shared fairly, which means that those with the broadest shoulders must pay more. I hope that the hon. Gentleman will agree with that.

Q2. [308856] **Joan Walley** (Stoke-on-Trent, North) (Lab): I wish to pay my personal tribute to David Taylor.

My I draw my right hon. Friend's attention to my concern about apprentices aged over 26 at Stoke on Trent college, which is conducting urgent talks with the aim of securing the funds that are needed for them to continue their training? In the light of the recent National Audit Office report on former coal mining areas, will my right hon. Friend use his good offices to do all that he can to ensure that the Learning and Skills Council, the Department for Business, Innovation and Skills, the regional development agency, and the Department for Work and Pensions work closely with the college to find a solution, so that all apprentices can receive full funding?

The Prime Minister: It is our intention, even in these difficult times when companies may not be in a position to keep apprentices on, to find alternative sources of employment for them and ensure that the colleges can continue to train them. However, I will examine the specific issue that my hon. Friend has raised. As for the coalfields regeneration programme, the National Audit Office's recommendations have been acted on, and funds from the programme have already been allocated. Stoke-on-Trent has received £3 million, more than half a million pounds of which has been committed to projects that will provide training for individuals.

I hope that my hon. Friend will find some of the answers to her questions in the decisions that have already been made, but I will look into the apprentices question. In 1997 there were 70,000 apprentices, and there are now a quarter of a million. No Government have done more to revive the apprenticeship, and we will not allow the number of apprenticeships to fall during this recession.

Q3. [308857] **Mr. Andrew Pelling** (Croydon, Central) (Ind): Given that 29 per cent. of jobs in Croydon are in the public sector, I am very worried about Government plans to move public sector jobs out of the south-east. In response to a question in the House, the Chancellor kindly said that there might be "compensatory steps". Has the Prime Minister any positive views on what those compensatory steps might be?

The Prime Minister: I know that the immigration department in Croydon is in the hon. Gentleman's constituency. Obviously, we are looking into how we can reallocate some jobs that are currently in the south-east in a way that will both save money and spread employment across the country. The Lyons review suggested that 20,000 jobs be reallocated. That has already happened, and we are considering what more we can do. However, I think the hon. Gentleman will recognise that the work of the London Development Agency and the work that is done in London are a means by which we ensure that jobs are created in London. We are always thinking about what we can do to create more jobs in this capital city.

Q4. [308858] **Mr. Andrew Dismore** (Hendon) (Lab): Cancer treatment waits have been effectively eliminated for my constituents because our NHS doctors and nurses have met exacting cancer care targets. Today, Macmillan Cancer Support reported that because more people are surviving cancer—which is excellent news—they are more prone to health problems when their treatment ends, and need practical advice. What can my right hon. Friend do to ensure that they receive that advice and help?

The Prime Minister: The Macmillan work is something that is very special in our country, and very much appreciated. I believe that because of the advances that we are making in cancer care—particularly if cancer is detected early and people are able to go through the screening process—many lives that would otherwise be lost are being saved.

I appreciate that considerable aftercare is necessary even after many years, and I am determined that we will continue to support it. However, I believe that the best way in which we can help to deal with the cancer problems in our country is to ensure that we do not lose the two-week guarantee that patients can see a specialist immediately, and that we move towards a guarantee that they will be diagnosed and given the answers within only seven days. That requires money, and it requires determination to spend the money in the right place. We are determined to do that, and I hope that no party seeks to abolish it.

Q5. [308859] **Mr. Ben Wallace** (Lancaster and Wyre) (Con): Given that technology is vital in allowing us to stay one step ahead of the terrorist threat, why have the Government cut spending on defence research by 23 per cent. over the past three years? Is not grasping at a couple of scanners and yet another review a case of too little, too late?

The Prime Minister: We have increased spending on security from £1 billion in 2001 to more than £3 billion, and we have increased counter-terrorism capability massively in this country as a result of making the right decisions. We have doubled the number of security staff, we have doubled the number of police who are associated with counter-terrorism work, and we are introducing the e-borders system, which is a means by which we can catch those people who are coming into this country. I do not think that any Government have done more to increase the counter-terrorism capability in this country, and that is right, because our first duty is the security of our citizens.

Nia Griffith (Llanelli) (Lab): Given the somewhat disappointing finish to the Copenhagen conference, what action will my right hon. Friend be taking in order to keep up the momentum on this absolutely vital task of tackling climate change?

The Prime Minister: For the first time, the world was able to agree that we should not have a climate change policy that did not address the problems of rising temperatures, and the 2 per cent. limit was agreed by all countries. We also have agreement that countries will notify what they will do by 2020, and they have got to do so by 31 January. We are obviously pressing for countries to be in a position where they can reduce the amount of gigatonnes in carbon and greenhouse gas emissions from about the mid-50s in 2020 to the mid-40s. There has been greater transparency achieved, with every country agreeing to report what it is doing, but we have not yet got the international treaty that we need, and we have not yet got the announcement from all countries that they support the 50 per cent. reduction by 2050. That is work that is still to be done. I agree with my hon. Friend that we must now talk to all those countries that were reluctant to come into these talks with a view to getting a treaty to persuade them that a treaty is necessary. I think that she will see further announcements in the next few days about what we are going to do.

Q6. [308860] **Ann Winterton** (Congleton) (Con): Bearing in mind the failure of Copenhagen and the current weather cycle, which clearly indicates a cooling trend—*[Laughter.]*

Mr. Speaker: Order. The more noise, the less progress we make. I want to reach other Back Benchers.

Ann Winterton: Will the Prime Minister reconsider the proposed wasteful expenditure of £100 billion on offshore wind farms, which will be incapable of delivering sufficient energy but will result in excessively exorbitant charges for electricity users?

The Prime Minister: The idea that the Conservative party could take a lead on climate change when they cannot even convince their own Back Benchers of what is necessary—*[Laughter.]* The Conservatives cannot make up their minds about nuclear. We are now the leading power in the world for offshore wind. We will soon be making announcements that will make it clear that massive numbers of jobs will come as a result of offshore wind. That is the right policy if we are going to have 15 per cent. renewables by 2020. I cannot understand where the Conservatives' energy policy comes from. If they take out nuclear and they take out offshore wind—and every Conservative local authority is opposing onshore wind as well—they have no policy whatsoever.

Mr. David Anderson (Blaydon) (Lab): It is now 27 months since people suffering from pleural plaques were denied compensation by the House of Lords. Can I ask the

Prime Minister what work is being done across the whole of Government to redress this, and when we can expect some progress?

The Prime Minister: As my hon. Friend knows, a meeting of legal advisers took place in the past few weeks. I am meeting a group of MPs—I think he is part of it—in the next week. I hope to get a resolution to what is a very dreadful disease—asbestosis—and what we can do about it, and also to deal with the problem that arises from pleural plaques.

Q7. [308861] **Sir Michael Spicer** (West Worcestershire) (Con): Now that we face stagflation, what is the Prime Minister going to do about it?

The Prime Minister: If the hon. Gentleman is suggesting that we are going to have the levels of inflation that we had in the Conservative years, he is completely wrong. Inflation is low in this country; we have kept it low for the past 12 years. The idea that the Conservative party is now going to run a campaign saying that our inflation is going to be the highest in the world is something quite ridiculous.

Q8. [308863] **Alison Seabeck** (Plymouth, Devonport) (Lab): Given the cold weather, yesterday's announcement of the boiler scrappage scheme is particularly welcome to the fuel-poor in my constituency and positively welcomed by companies such as Zenex which are at the cutting edge of such technology. Will my right hon. Friend confirm that he will not only promote that excellent scheme but encourage retrofitting, which companies such as Zenex can do, and do well, to reduce our carbon footprint?

The Prime Minister: My hon. Friend is absolutely right. The boiler scrappage scheme will help 125,000 households and is already showing that it is popular and will cut carbon emissions. Retrofitting measures such as insulation will play an increasingly important role.

I must also draw people's attention to the fact that cold weather payments are being made to people who are affected by the cold weather right across the country—in many areas, including London, from 4 January. Some 6.9 million payments of £25 a week have already been made. We are doing our best to help people through the difficult winter weather, and we will continue to do what we can to ensure that elderly people in particular will turn up their heating and not allow themselves to suffer from the cold.

Mrs. Maria Miller (Basingstoke) (Con): Given that the severe weather, which has hit my constituency badly, is predicted to continue for the next five days, what action are the Government taking now to make sure that supplies of salt and grit—including the stockpiles held by the Highways Agency—get to where they are needed most?

The Prime Minister: The hon. Lady is absolutely right. I think the whole House wants to be assured that, in this difficult period of weather when some areas are more hit than others, those areas that need to grit roads will have the salt necessary to do so, and all the support that other local authorities that are not so affected, and central Government, can give them. I assure the hon. Lady that salt supplies have been built up as a result of what we discovered and did last year. At the same time, I can announce that there will be greater co-ordination of the distribution of salt, so that those areas that need that salt will not be denied it. I hope that I will be able to reassure her constituents that they will get the salt and the grit that are necessary.

House of Commons Reform

Q9. [308864] **Mr. Graham Allen** (Nottingham, North) (Lab): What recent representations he has received on bringing forward proposals arising from the report of the Select Committee on Reform of the House of Commons.

The Prime Minister: The Leader of the House has written to representatives of the other parties on this issue. The Government are keen to proceed on a consensual basis.

Mr. Allen: UK politics has become ever more the private playground of Governments and the media, and this place, Parliament, an ever more tatty backdrop, with little independence. Will the Prime Minister take the powers that he has to bring forward to our agenda—not for debate, but for decision—the proposals to reform this House? Will he please do that in the next few weeks?

The Prime Minister: It is in all our interests to say that both the standard of debate in this House and what is discussed in this House should reflect the views and values of the people of this whole country. All of us want in this new year to make sure that the House is discussing the issues that matter to people.

We welcome the Select Committee report. I know that my hon. Friend has taken a long-standing interest in these institutional reforms. The creation of a Back-Bench committee, a business committee and party ballots—all these are being looked at in detail. The Leader of the House has made it clear that we will have an opportunity to debate them in due course and to discuss the recommendations.

Mr. David Heath (Somerton and Frome) (LD): In due course? We have been waiting for weeks. Is that not typical of this Government and this Prime Minister? He made a big announcement on 10 June last year that we were to have urgent reform of the House of Commons, but when it comes to action the Government act with all the dispatch of a particularly arthritic slug on its way to its own funeral. Will he tell us whether he is still committed to urgent action on reforming this ineffective and incompetent House, or are there people on his own Benches who are stopping that from happening?

The Prime Minister: The hon. Gentleman gives me a great deal of hope that the consensual approach will work! I think that he is part of the talks. The talks are taking place. The issues about the creation of a business committee, party ballots for Select Committee membership and ballots of the whole House for Select Committee chairmanship were recommended by the Committee chaired by my hon. Friend the Member for Cannock Chase (Dr. Wright). We are now discussing these issues, and they will form the subject of a debate and decisions by this House.

Mr. Speaker: Order. I should be grateful if Members who are leaving the Chamber would do so both quickly and quietly so that we can proceed with our business.

BILLS PRESENTED

Damages (Asbestos-related Conditions) (No.2)

Presentation and First Reading (Standing Order No. 57)

Mr. Andrew Dismore, supported by Ms Karen Buck, Clive Efford, Mr. David Anderson, Mr. Michael Clapham, Mike Gapes, Rob Marris, Siobhan McDonagh, Jim Sheridan, Shona McIsaac, Mr. Chris Mullin and Judy Mallaber, presented a Bill to provide that certain asbestos-related conditions are actionable personal injuries; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 5 February, and to be printed (Bill 34).

Employers' Liability Insurance Bureau

Presentation and First Reading (Standing Order No. 57)

Mr. Andrew Dismore, supported by Ms Karen Buck, Clive Efford, John Austin, Mike Gapes, Rob Marris, Siobhan McDonagh, Jim Sheridan, Shona McIsaac, Mr. Chris Mullin and Judy Mallaber presented a Bill to make provision for the creation of an employers' liability insurance bureau comprising an electronic database and a fund of last resort; to make provision about employers' liability insurance; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 5 February, and to be printed (Bill 35).

Land Use (Gardens Protection Etc)

Presentation and First Reading (Standing Order No. 57)

Mr. Andrew Dismore, supported by Ms Karen Buck, Clive Efford, John Austin, Shona McIsaac, Rob Marris, Mr. Virendra Sharma, Siobhan McDonagh and Mr. Chris Mullin, presented a Bill to make provision for the protection of gardens and urban green spaces; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 26 February, and to be printed (Bill 36).

British Museum Act 1963 (Amendment)

Presentation and First Reading (Standing Order No. 57)

Mr. Andrew Dismore, supported by Ms Karen Buck, Clive Efford, John Austin, Mr. Edward O'Hara and Rob Marris, presented a Bill to amend the British Museum Act 1963 to permit the transfer of artefacts in the British Museum; to confer powers on the Secretary of State to require the transfer of artefacts in specified circumstances; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 26 February, and to be printed (Bill 37).

Sheltered Accommodation (Residents)

Presentation and First Reading (Standing Order No. 57)

Mr. Andrew Dismore, supported by Ms Karen Buck, Judy Mallaber, Mike Gapes, Rob Marris, Mr. Virendra Sharma, Mr. Edward Timpson, John Austin and Shona McIsaac, presented a Bill to make provision for residents in sheltered accommodation to challenge certain local authority budget decisions which affect them; to ensure that funding provided by central government to local authorities for sheltered accommodation warden services is not allocated to other services; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 5 March, and to be printed (Bill 38).

Human Rights Act 1998 (Meaning of Public Authority)

Presentation and First Reading (Standing Order No. 57)

Mr. Andrew Dismore, supported by Ms Karen Buck, Clive Efford, John Austin, Mike Gapes, Rob Marris, Mr. Virendra Sharma, Shona McIsaac, Mr. Chris Mullin and Judy Mallaber presented a Bill to clarify the meaning of 'public authority' in section 6 of the Human Rights Act 1998.

Bill read the First time; to be read a Second time on Friday 5 March, and to be printed (Bill 39).

Illegally Logged Timber (Prohibition of Sale)

Presentation and First Reading (Standing Order No. 57)

Mr. Andrew Dismore, supported by Ms Karen Buck, Clive Efford, John Austin, Mike Gapes, Rob Marris, Mr. Chris Mullin, Judy Mallaber and Barry Gardiner, presented a Bill to prohibit the sale in the United Kingdom of timber and wood products that were obtained or produced illegally in their country of origin; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 12 March, and to be printed (Bill 40).

Torture (Damages)

Presentation and First Reading (Standing Order No. 57)

Mr. Andrew Dismore, supported by Ms Karen Buck, Clive Efford, John Austin, Rob Marris, Siobhan McDonagh and Mr. Chris Mullin, presented a Bill to make provision for actions for damages for torture; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 23 April, and to be printed (Bill 41).

Armenian Genocide Remembrance Day

Presentation and First Reading (Standing Order No. 57)

Mr. Andrew Dismore, supported by Ms Karen Buck, Clive Efford, John Austin and Rob Marris, presented a Bill to introduce a national day to learn about and remember the Armenian genocide.

Bill read the First time; to be read a Second time on Friday 30 April, and to be printed (Bill 42).

Point of Order

12.36 pm

Michael Fabricant (Lichfield) (Con): On a point of order, Mr. Speaker. You may have heard the rather dramatic news just now that a former Secretary of State for Defence and a former Secretary of State for Health have called for an immediate ballot on the leadership of the Labour party and the future of the Prime Minister. Do you consider that this might affect the order of the business for the rest of the day?

Mr. Speaker: The short answer is no. If memory serves me correctly, the hon. Gentleman will fairly soon be marking 18 years in the House of Commons as the Member for Lichfield, and I therefore feel sure that he knows as well as I know that that was not a point of order.

Video Recordings Bill (Allocation of Time)

12.37 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Siôn Simon): I beg to move,

That the following provisions shall apply to the proceedings on the Video Recordings Bill—

Timetable

1. Proceedings on Second Reading, in Committee, on consideration and on Third Reading shall be completed at today's sitting and shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption.

Timing of proceedings and Questions to be put

2. When the Bill has been read a second time—

(a) it shall (despite Standing Order No. 63 (Committal of bills not subject to a programme order)) stand committed to a Committee of the whole House without any Question being put;

(b) the Speaker shall leave the Chair whether or not notice of an Instruction has been given.

3. (1) On the conclusion of proceedings in Committee, the Chairman shall report the Bill to the House without putting any Question.

(2) If the Bill is reported with amendments, the House shall proceed to consider the Bill as amended without any Question being put.

4. For the purpose of bringing any proceedings to a conclusion in accordance with paragraph 1, the Speaker or Chairman shall forthwith put the following Questions (but no others)—

(a) any Question already proposed from the Chair;

(b) any Question necessary to bring to a decision a Question so proposed;

(c) the Question on any amendment moved or Motion made by a Minister of the Crown;

(d) any other Question necessary for the disposal of the business to be concluded.

5. On a Motion so made for a new Clause or a new Schedule, the Chairman or Speaker shall put only the Question that the Clause or Schedule be added to the Bill.

Consideration of Lords Amendments

6. (1) Any Lords Amendments to the Bill shall be considered forthwith without any Question being put.

(2) Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.

7. (1) This paragraph applies for the purpose of bringing any proceedings to a conclusion in accordance with paragraph 6.

(2) The Speaker shall first put forthwith any Question already proposed from the Chair.

(3) If that Question is for the amendment of a Lords Amendment the Speaker shall then put forthwith—

(a) a single Question on any further Amendments to the Lords Amendment moved by a Minister of the Crown, and

(b) the Question on any Motion made by a Minister of the Crown that this House agrees or disagrees to the Lords Amendment or (as the case may be) to the Lords Amendment as amended.

(4) The Speaker shall then put forthwith—

(a) a single Question on any Amendments moved by a Minister of the Crown to a Lords Amendment, and

(b) the Question on any Motion made by a Minister of the Crown that this House agrees or disagrees to the Lords Amendment or (as the case may be) to the Lords Amendment as amended.

(5) The Speaker shall then put forthwith the Question on any Motion made by a Minister of the Crown that this House disagrees to a Lords Amendment.

(6) The Speaker shall then put forthwith the Question that this House agrees to all the remaining Lords Amendments.

(7) As soon as the House has—

(a) agreed or disagreed to a Lords Amendment; or

(b) disposed of an Amendment relevant to a Lords Amendment which has been disagreed to, the Speaker shall put forthwith a single Question on any Amendments moved by a Minister of the Crown and relevant to the Lords Amendment.

Subsequent stages

8. (1) Any further Message from the Lords on the Bill shall be considered forthwith without any Question being put.

(2) Proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.

9. (1) This paragraph applies for the purpose of bringing any proceedings to a conclusion in accordance with paragraph 8.

(2) The Speaker shall first put forthwith any Question which has been proposed from the Chair.

(3) The Speaker shall then put forthwith the Question on any Motion made by a Minister of the Crown which is related to the Question already proposed from the Chair.

(4) The Speaker shall then put forthwith the Question on any Motion made by a Minister of the Crown on or relevant to any of the remaining items in the Lords Message.

(5) The Speaker shall then put forthwith the Question that this House agrees with the Lords in all the remaining Lords Proposals.

Reasons Committee

10. (1) The Speaker shall put forthwith the Question on any Motion made by a Minister of the Crown for the appointment, nomination and quorum of a Committee to draw up Reasons and the appointment of its Chairman.

(2) A Committee appointed to draw up Reasons shall report before the conclusion of the sitting at which it is appointed.

(3) Proceedings in the Committee shall (so far as not previously concluded) be brought to a conclusion 30 minutes after their commencement.

(4) For the purpose of bringing any proceedings to a conclusion in accordance with sub-paragraph (3), the Chairman shall—

(a) first put forthwith any Question which has been proposed from the Chair, and

(b) then put forthwith successively Questions on motions which may be made by a Minister of the Crown for assigning a Reason for disagreeing with the Lords in any of their Amendments.

(5) The proceedings of the Committee shall be reported without any further Question being put.

Miscellaneous

11. Paragraph (1) of Standing Order No. 15 (Exempted business) shall apply so far as necessary for the purposes of this Order.

12. (1) The proceedings on any Motion made by a Minister of the Crown for varying or supplementing the provisions of this Order shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.

(2) Paragraph (1) of Standing Order No. 15 (Exempted business) shall apply to those proceedings.

13. Standing Order No. 82 (Business Committee) shall not apply in relation to any proceedings to which this Order applies.

14. (1) No Motion shall be made, except by a Minister of the Crown, to alter the order in which any proceedings on the Bill are taken or to re-commit the Bill.

(2) The Question on any such Motion shall be put forthwith.

15. (1) No dilatory Motion shall be made in relation to proceedings to which this Order applies except by a Minister of the Crown.

(2) The Question on any such Motion shall be put forthwith.

16. The Speaker may not arrange for a debate to be held in accordance with Standing Order No. 24 (Emergency debates) at today's sitting before the conclusion of any proceedings to which this Order applies.

17. (1) Sub-paragraph (2) applies if the House is adjourned, or the sitting is suspended, before the conclusion of any proceedings to which this Order applies.

(2) No notice shall be required of a Motion made at the next sitting by a Minister of the Crown for varying or supplementing the provisions of this Order.

18. Proceedings to which this Order applies shall not be interrupted under any Standing Order relating to the sittings of the House.

19. (1) Any private business which has been set down for consideration at 7 pm, 4 pm or 3 pm (as the case may be) on a day on which the Bill has been set down to be taken as an Order of the Day shall, instead of being considered as provided by Standing Orders, be considered at the conclusion of the proceedings on the Bill on that day.

(2) Paragraph (1) of Standing Order No. 15 (Exempted business) shall apply to the private business for a period of three hours from the conclusion of the proceedings on the Bill or, if those proceedings are concluded before the moment of interruption for a period equal to the time elapsing between 7 pm, 4 pm or 3 pm (as the case may be) and the conclusion of those proceedings.

This is a short Bill designed to repeal and revise the provisions of the Video Recordings Act 1984, including the offences under the Act. The offences were made unenforceable because of a failure to notify the offences and other provisions of the 1984 Act in draft to the European Commission in accordance with the technical standards directive.

Until the Video Recordings Act is repealed and revived, no new prosecutions can be made under the Act. This means that publishers of video games and DVDs can distribute their goods free of classification requirements, and retailers can sell or supply adult material, including explicit pornography.

Keith Vaz (Leicester, East) (Lab): This matter was discovered some weeks ago. Have the Government caused an investigation to be held to find out why the European Commission was not informed about the draft?

Mr. Simon: The failure to notify the draft was in 1984, under the previous Conservative Administration, about whom I do not want to make cheap political points today. None of the Ministers or officials serving at the time is still in post. It was an unfortunate oversight, and we believe it to have been an isolated incident. What is important now is to rectify the situation, so that the current anomalous loophole, whereby inappropriate material can be sold to children without classification, is closed as soon as possible.

Lembit Öpik (Montgomeryshire) (LD): The Minister accepts that it was down to a previous Administration. The practical cost to the House is an afternoon's business. He said that it was an isolated incident. Is he satisfied that it will not happen again, and that we will not waste hundreds of person-hours of this Chamber's time making the same mistake?

Mr. Simon: The Cabinet Office is looking to see whether this kind of thing might have happened on other occasions and, as far as we are aware, this is an isolated incident. As I say, the important thing is for the loophole to be swiftly closed today in this House, so that the protections that have been afforded to the public for 25 years by a very successful piece of legislation introduced under the previous Administration are enforceable once again—they have not been enforceable

[Mr. Simon]

since August, when this oversight was discovered. I am sure that the House will agree that there is an urgent need for the legal protections to be reinstated.

Philip Davies (Shipley) (Con): The Minister says that there is a loophole and he talks about trying to make the law enforceable. According to the House of Commons Library, there were 81 successful prosecutions for offences under the Act in 2006 and 139 in 2002. Is he saying that those prosecutions were not valid at the time? Would they—

Mr. Speaker: Order. It pains me greatly to interrupt the hon. Member for Shipley (Philip Davies) but, as always, I am trying to be helpful. I listened with great interest to what he said, but I would not want the Minister to be diverted from the path of righteousness, and what has just been said over the past couple of minutes bears very little relation, if any, to the allocation of time motion.

Mr. Simon: I shall take your guidance, Mr. Speaker; I would be happy to discuss that matter with the hon. Gentleman later in our proceedings, but it behoves me to take the guidance from the Chair. May I say—this is in response to the hon. Gentleman's point, but I am attempting to keep my remarks to the motion—that this is the first use of the fast-track procedure, as recently recommended by the relevant House of Lords Select Committee? We are dealing with what used to be called an "emergency piece of legislation". This Bill does not change, in any way, the existing 1984 Act; it simply repeals and then revives it quickly in two short clauses, in order to make the existing Act enforceable, which is why we are seeking to deal with this quickly today with the minimum of delay.

Mr. Edward Vaizey (Wantage) (Con): We agree.

12.42 pm

Mr. David Heath (Somerton and Frome) (LD): I do not wish to disagree with the motion, but I want to make a point on procedure. It is not good procedure for this House to proceed with Bills in a single day unless there are overwhelming reasons to do so. Such reasons are sometimes associated with national security and sometimes with urgent circumstances outside the House. There is a reason for our procedures in this House and a reason why we have a delay between Second Reading, Committee and Report: to enable matters to be properly considered in order and to ensure not only that Members who wish to contribute to the debate can do so, but that those outside the House are able to make observations on the Bill as it proceeds. I have no doubt that this is a simple tidying-up provision, and there is every indication that it will be supported by hon. Members on both sides of the House. It could therefore have been dealt with simply over the normal time period and in two chunks to enable us to maintain the principles of parliamentary procedure; I do not entirely understand why it should be dealt with in a single day. That is an exceptional way of doing business and there does not seem to be the exceptional need for such an approach on this occasion. We had several days prior to the Christmas recess when we could easily have slipped in the Bill's Second Reading and then proceeded in the normal way. Perhaps the Minister could tell me why that did not happen.

Mr. Simon: That could not have been done because the situation was caused by a failure to notify under the technical standards directive. In order for the provision to work, we had to notify it in draft under that directive. We did that three months before 15 December. The first day on which we could have had the First Reading was 15 December, and we did so. Today—the second day back after the recess—is the first opportunity that we have had to deal with this on the Floor of the House.

There are two very important points to make on why we are dealing with the Bill so urgently in one day. First, we are not changing the law in any way. The existing law has been debated using all the full procedures and has been in force for 25 years—it is only the enforceability that turns out not to have been enacted, and we need to address that.

The second point that I want to stress is that the lack of enforceability has serious consequences. Almost any kind of serious, explicit, violent, brutal, nasty DVDs and video games can be supplied at the moment to anybody—*[Interruption.]* I am sorry; that was a long intervention.

Mr. Heath: I am grateful to the Minister for that long intervention, which was helpful. I am grateful to him for explaining the constraints on First Reading. I am simply making the point that this is not an approach that I think the House should readily accept from the Government. It is not my intention to divide the House on this issue, or to do anything of that kind. However, we need to make the point that procedure exists for a purpose. If we can improve procedure so that we take less time on things that do not need a lot of debate, I am all for it—it is part of the modernisation of the House that we spoke about in Prime Minister's questions. However, we need the delay between Second Reading and the completion of the passage of a Bill in this House if we are to make good law, and making good law is what this House is about. It sometimes achieves very little in the way of that because of the curtailing of procedures. That is the only observation that I have to make and I hope that we can now proceed.

12.46 pm

Keith Vaz (Leicester, East) (Lab): I, too, shall be brief, Mr. Speaker, because of the guidance that you have given. I want to be reassured that when it comes to the substantive debate the Minister will deal with the points of substance to do with what has happened over the past 25 years, including the point made by the hon. Member for Shipley (Philip Davies)—issues such as what has happened to those who have been prosecuted and whether they will be entitled to compensation. If the Minister will deal with those points, I shall be happy to support the motion.

12.46 pm

Philip Davies (Shipley) (Con): You are a reasonable man, Mr. Speaker, so I can only presume that your necessary intervention earlier was caused by my not explaining myself sufficiently. I shall try again to overcome the difficulty that there seemed to be the first time around.

I take the points made by the hon. Member for Somerton and Frome (Mr. Heath): we should not be having Acts of Parliament made in one day, with all stages debated on that day, unless it is absolutely necessary. The purpose of my initial intervention on the Minister, which I hope I shall be able to clarify in my short speech, was that, given that there have been hundreds of prosecutions under the 1984 Act as it stands, can we satisfy ourselves that the Bill is so necessary and urgent that it must go through all its stages in one day? I urge the Minister to clarify where we are with the prosecutions under the 1984 Act. If they are no longer valid and therefore need to be rescinded, I should have thought that that would be important.

Mr. Don Foster (Bath) (LD): I understand entirely the point that the hon. Gentleman makes, but will he bear it in mind that every day that we wait to bring the legislation back into force, people will legitimately be able to sell inappropriate material to minors? Local authorities are being prosecuted because they have sought, apparently erroneously, to prosecute people for doing what we would all agree is wrong. We need to get on with it very quickly. Does he not agree?

Philip Davies: I absolutely agree. In effect, that was the point that I was trying to tease out from the Minister in the first place. We need to know where we stand with existing prosecutions, because if they all have to be rescinded and if none of them now has any basis in law, we would need to do this all in one day. I hope that the Minister can explain that to our satisfaction so that we know the urgency of this matter.

12.49 pm

Mr. Simon: I shall construe your silence on the matter, Mr. Speaker, as consent that I might reply to the hon. Member for Shipley (Philip Davies) within the terms of this part of the debate. Prosecutions that occurred since the error was discovered in August will not have been able to proceed and will not be able to be instituted retrospectively. That is why—I think that this is what he was getting at—it is important to pass the Bill. As the hon. Member for Bath (Mr. Foster) said, not only does the situation continue with every day that goes past, but evidence from around the country shows that it is reasonable to assume that the problem will grow. The more people are not prosecuted for supplying very inappropriate material, the more people will see an angle through which they can make what one might call an evil buck. Over the past few years there have been between 100 and 200 prosecutions a year, on average, and a great deal of other activity, which might [illegible] prosecuted, is deterred by the enforceability of th[illegible]. I hope that I have answered the points raised by the hon. Member for Shipley.

On the point made by my right hon. Friend the Member for Leicester, East (Keith Vaz), we will deal with the substantive issues in greater detail in the Second Reading debate on this short two-clause Bill. It does not in any way change an existing Act. It simply repeals and revives. On that basis, I commend the allocation of time motion to the House.

Question put and agreed to.

Video Recordings Bill

Second Reading

12.51 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Siôn Simon): I beg to move, That the Bill be now read a Second time.

I thank the hon. Member for Bath (Mr. Foster) and others for their encouragement. We live in an age where videos, DVDs and more recently Blu-ray discs constitute a hugely important part of every family's entertainment. Figures compiled by the British Video Association show that a record 258 million DVDs, Blu-ray DVDs and videos were sold in 2008, with a total market value of £2.3 billion. A further 79 million videos, DVDs and Blu-ray DVDs were rented in 2008. The number of films sold on video has more than trebled in the past 10 years from 61 million units in 1999 to 196 million last year. According to the British Video Association, 6.5 million DVD players were sold in 2008, taking cumulative DVD hardware sales since launch to 55 million—the equivalent of two players for every household in the UK.

Videos and DVDs are an essential element of domestic life in the 21st century, yet they are a relatively recent part of our cultural experience. The video recorder was invented in the 1960s and began to take off as a mass market phenomenon only in the late 1970s. In 1979 there were 200,000 video recorders in the UK but by 1984, when the original Video Recordings Act was introduced, over 4 million had been sold. Looking to the future—I am sure that hon. Members will make this point later—there is a definite shift in how we consume both video and video game content. The online distribution models are developing and will no doubt continue to do so at an increasing pace.

Mr. Greg Knight (East Yorkshire) (Con): Is the Minister aware of any convictions that are currently being challenged or are the subject of an appeal as a result of what appears to be a defective process?

Mr. Simon: Certainly, there will have been prosecutions that were pending or in process when the defect, to echo the right hon. Gentleman's phrase, was discovered. Those will have had to be stopped once it became apparent that the law was no longer enforceable because of its non-notification. We have heard of a handful of putative—usually putative—appeals or claims for compensation against previous convictions, although all our advice tells us that such speculative attempts to exploit the loophole further are likely to be unsuccessful.

Although the online environment is clearly the future and is going to grow, we must not be dismissive of the traditional boxed product. Only yesterday, senior executives from Nintendo, Microsoft and Sony were all reported as saying that digitally distributed product is unlikely to overtake the boxed product for some considerable time to come.

Keith Vaz (Leicester, East) (Lab): It is very nice to hear about the contribution that the industry makes to the British economy. Does the Minister intend, in his speech, to touch on the Byron review and the Government's commitment to prevent violent video games from falling into the hands of young people? Are the Government still committed to the conclusions of Byron? Will the recommendations be implemented in full? When will the Digital Economy Bill come before the House? It deals with all the other issues that the Minister cannot deal with in the context of the present Bill.

Mr. Simon: I am grateful to my right hon. Friend, who is a tireless advocate of his views on the subject. Yes, the Government are committed to Byron and to child safety. The work of the Internet Watch Foundation and the Department for Children, Schools and Families-led group that has been set up in an unprecedented way across Government to look at all child safety issues online is very important, groundbreaking and central to what the Government are doing. As my right hon. Friend knows, those are matters not for today, but for the Digital Economy Bill, which is now in another place.

Keith Vaz: I am grateful to the Minister for giving way to me a second time. He talked about the boxed games. One of the concerns is that when people buy video games, there is not sufficient notice on those games that they have adult content, which is central to what the Video Recordings Bill hopes to do—to ensure proper enforcement. Is there anything in the proposal or in any measure that the Government propose to introduce in the near future that will ensure that when retailers sell such games, it is clear that they have adult content—that is, by increasing the very small notification on the box that it is an adult game?

Mr. Simon: As my right hon. Friend knows, child safety, boxed games, and good information that is readily understandable by the public when adult content is included in games or DVDs are central to our approach and to the Byron recommendation that content should be clearly labelled and that content unsuitable for children should not be made available for children.

However, that is not a matter for today. None of the provisions that we are discussing today in this short two-clause Bill will affect that in any way. The size of the rating symbols on the boxes is a subject which I know my right hon. Friend and I will discuss at length in the Committee stage of the Digital Economy Bill. I look forward to that, but it is not something that I should be diverted into discussing today.

Mr. Don Foster (Bath) (LD): The Minister will be aware, as many of us are, that because of the length of time that it now looks likely the Digital Economy Bill will take in another place, there is a real possibility that time will run out to complete its passage through both Houses before the forthcoming general election. Given the importance of the specific issue raised by the Chairman of the Select Committee on Home Affairs, will the Minister give an assurance to the House that if time ran out, measures would be sought to find agreement so that at least that aspect, on which there is all-party agreement, could still get on to the statute book?

Mr. Simon: We have every intention of getting the Digital Economy Bill in its entirety on to the statute book although, as the hon. Gentleman knows, in order to do that, we will be partly reliant on the good will of members of his party and of the official Opposition—*[Interruption.]*

Mr. Speaker: Order.

Mr. Simon: I think I have made the point. We intend to get the legislation through before the election. If the hon. Member for Bath and his hon. Friends, and right hon. and hon. Members on the Conservative Benches, will help us with that, that would be the best approach for all concerned.

I shall make progress. As I said, we should not be blinded by the online future and discount the importance of the massive volume of boxed products that will continue to be sold in the UK.

The early 1980s saw the introduction, largely from America, of what became known as video nasties: videos that depicted acts of gross violence and violent sexual acts—acts so extreme that they caused concern about the potential effects of watching them on young people and vulnerable adults. In response, Parliament passed in 1984 the Video Recordings Act. That Act introduced a system for classifying video films and some video games according to their content, and a series of offences for supplying classified videos and video games to people under the age restriction. The 1984 Act also stopped the distribution of video nasties by ensuring that such films did not receive a classification and making it an offence to supply unclassified material.

Some 25 years on, it is clear that the provisions of the 1984 Act have worked to remove the worst material from circulation. For example, the British Board of Film Classification, the body appointed under the 1984 Act to classify videos and DVDs, recently refused to classify the highly controversial Japanese film, "Grotesque". The BBFC explained that

> "the film has running themes of sexual assault, humiliation and extreme torture…and…presents the audience with…an unrelenting and escalating scenario of…sadism…(including sexual sadism) for its own sake."

The 1984 Act was introduced to remove such films from general circulation, and I am sure that all hon. Members will congratulate the BBFC on its often unpleasant work.

It is also clear that the system of classification that the 1984 Act introduced is well understood and well regarded by the public. Independent research conducted on behalf of the BBFC shows that 71 per cent. of adults make use of the classification ratings of films to guide their purchasing decisions at least some of the time, and that 46 per cent. do so before purchasing video games. In addition, out of a total of 3,900 film viewing occasions, those surveyed agreed 99 per cent. of the time with the BBFC's classifications. It is a good organisation, implementing a good piece of legislation that works, and it was with considerable regret, therefore, that we discovered in August 2009, during our preparations for the Digital Economy Bill, which, as hon. Members will know, is in another place for consideration, that the 1984 Act was no longer enforceable under UK law. The situation arose because of a procedural failure in 1984 to notify the European Commission of the Act's provisions in draft under the technical standards directive. I keep stressing "in draft" because we have to repeal the 1984 Act and revive it so that it can be notified in draft; we cannot notify an existing Act.

Mr. Edward Vaizey (Wantage) (Con): In case anyone wishes to make a party political point about the issue, it may be worth noting that the legislation was not notified in draft because it was a private Member's Bill, not a Government Bill. Will the Minister elaborate on how the error was discovered in 2009 and, to return to the point, on when the Cabinet Office intends to conclude its audit of all Acts passed since 1984 in terms of their compliance with the technical standards directive?

Mr. Simon: I am grateful to the hon. Gentleman for his intervention, and I do not want to make a party political point out of the issue. That would be silly, and I am not going to do so. Nobody involved with the legislation then is a Member now, but I think that another reason why the error might have occurred is that the technical standards directive came in early in 1984 and the Video Recordings Act came out slightly later. They almost overlapped in their inception.

Mr. Vaizey: If I can help the Minister, I should say that the directive came into force on 28 March 1983 and the Bill was introduced on 11 November 1983, meaning that it had to be notified to the European Commission in about August 1983. The directive was therefore very new, and I think that Graham Bright, who introduced the Bill as a private Member, might be forgiven for not being completely à point with European law.

Mr. Simon: I am very grateful to the hon. Gentleman for his extraordinary parliamentary erudition, and for his help on the matter.

Mr. Don Foster: May I further help the Minister? While he is being extremely generous to the hon. Member for Wantage (Mr. Vaizey) on the Conservative Front Bench in relation to what happened in 1983 and 1984, will he also bear in mind that in 1993, many years later, the 1984 Act was considered again in great detail, when it was amended by the then Conservative Government, whose current party leader was at that time an adviser to the then Home Secretary? Surely by 1993 the omission should have been noticed.

Mr. Simon: The hon. Gentleman makes a very fair point, and he makes it more difficult for me to resist making cheap party political points at the expense of the Opposition. Nevertheless, I shall resist.

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): Just to be helpful, I might point out that the mover of the amendment to the Act in 1993 was of course Mr. David Alton, so perhaps the conclusion is that we all bear some responsibility.

Mr. Simon: I shall move on to answer the question from the hon. Member for Wantage (Mr. Vaizey) about how the omission was discovered last year. The answer is that, as part of our preparation for the Digital Economy Bill, we were involved in a similar process of notifying to the European Commission the Bill's amendments to the 1984 Act—a similar process to that which the hon. Member for Bath suggests one might have thought would have happened in 1993 and 1994. On this most recent occasion during that process, it was noticed that the original Bill had not been notified.

Mr. Vaizey: Will the Minister help me? I think that the hon. Member for Bath (Mr. Foster), the Liberal Democrat spokesman, has inadvertently been helpful, which is not a phrase that I often like to use—but we are all in the process of engaging with the Liberal Democrats. If the 1984 Act was amended in 1993, was the amendment notified to the European Commission; and is that aspect of the Act, therefore, still enforceable?

Mr. Simon: My understanding is—I am pretty clear—that none of the Act is enforceable, because the original legislation was not notified to the Commission in 1983-84.

Philip Davies (Shipley) (Con): After everyone has been so helpful, I do not want to be unhelpful, but I am still puzzled, because the Library research paper on the Bill before us states that

> "the Government's legal advice appears to be that previous convictions under the 1984 Act are safe."

If there is a loophole and the 1984 Act is unenforceable, I do not understand how previous convictions under it can be safe. Will the Minister explain that point, please?

Mr. Simon: The convictions are safe in the sense that any attempt to seek any restitution against them would almost certainly fail in court. For instance, any appeal would be an out-of-time appeal, after 21 days, and therefore, although it would be technically possible to mount an out-of-time appeal, it would be very unlikely to succeed. If a criminal mounts an appeal because they have discovered a brief loophole in the law, they are pretty unlikely to receive a sympathetic hearing from a court. All our advice suggests that for a range of reasons like that, it is very unlikely that criminals and disreputable people will be able to exploit the loophole by seeking such restitution.

The purpose of the Video Recordings Bill, therefore, is very simple. It is designed only to repeal and revive the provisions of the Video Recordings Act 1984 in order to make the criminal offences in the Act enforceable again. Until that has been done, no new prosecutions can be made under the Act and prosecutors cannot oppose appeals made in time against convictions. This means that publishers of videos, DVDs and 18-rated and R18-rated video games can distribute their goods free of any classification restrictions. Retailers can sell classified and unclassified adult material to any person, regardless of age, with limited statutory powers to stop or prosecute them. There is also a danger—although we think it slight—that past convictions may be challenged.

To their credit, the reputable makers and distributors of videos and DVDs have continued to submit their films for classification voluntarily, and reputable retailers have continued to abide by the age classification restrictions. Trading standards officers throughout the country, however, are coming across more and more cases of people seeking to exploit the loophole. Officials are uncovering more and more cases of unscrupulous people selling unclassified material or age-restricted material either by post or in outlets that are not licensed sex shops.

For example, law enforcement officials in Milton Keynes have had to return 550 seized unrated DVDs to a seller who is now free to supply them until the Act becomes enforceable again. To be clear, unrated means beyond the R18—potentially very unpleasant material. In Bournemouth, trading standards officers were unable to prevent a newsagent selling R18 and unrated hard-core sex videos, while in Conwy, law enforcement officers were unable to deal with seven cases of supplying 18-rated videos to children. In Edinburgh, five outlets supplying adult material could not be pursued by trading standards officers. These examples are just a few of the many being discovered by trading standards officers and law enforcement officers in every part of the country.

The longer this legal loophole is allowed to exist, the greater risk of harm being caused to the public by the unrestricted circulation of this kind of material and the greater the potential for the most extreme material to be supplied to children. It is therefore vital in helping to restore the public's faith in Parliament and the video classification system that we act quickly to restore the important public protections contained in the 1984 Act.

The Bill was notified to the European Commission on 10 September 2009 and the three-month notification period expired on 11 December 2009. The fact that we introduced the Bill on 15 December—the earliest possible date after the expiry of the notification period—and are using the fast-track procedure is a measure of how important the Government view the need for the VRA to be made enforceable again.

I know of the concern in this House and in the other place about the use of the fast-track process for legislation and the dangers involved in it, but the Video Recordings Bill provides a classic example of why fast-track legislation still has a role to play. There is a real problem that needs to be dealt with quickly in order to restore important public protections. The Bill does not introduce any new provisions beyond those with which we are all familiar and that have been successfully enforced for 25 years.

The Bill could hardly be simpler, consisting of only two clauses and a schedule. Clause 1(1) repeals the provisions of the Video Recordings Act 1984 and then immediately revives them. Clause 2 refers simply to the short title of the Bill, its commencement and extent. The schedule contains transitional provisions that are designed to ensure that the repeal and revival of the VRA provisions do not change their effect or the effect of other documents that refer to them—in other words, it ensures that all administrative decisions taken previously under the Act still remain valid in law. This is needed to ensure both that all films do not need to be submitted for classification again and a seamless transition once the 1984 Act is revived.

In order to close the period during which offences cannot be prosecuted as soon as possible, the Bill is intended to come into force immediately on Royal Assent. Thus, in summary, the Bill does not introduce any new provisions or offences into the 1984 Act; it simply restores a system of classification that has been in operation for the last 25 years, which has worked to stop the circulation of the worst kind of video material. It is a system that is well understood and liked by a clear majority of the public and the industry. The Bill is essential to ensure proper protection of the public from the inappropriate supply of violent and sexual video material by making the offences under the 1984 Act enforceable again.

In moving the Second Reading of this Bill, I hope that I can call on the support of the whole House to ensure its speedy passage through all its stages in the House of Commons today.

1.13 pm

Mr. Edward Vaizey (Wantage) (Con): I am grateful for this chance to support the Government in seeking to pass the Video Recordings Bill. As the Minister noted in his opening remarks, we are here for some very peculiar reasons. In theory, we are debating a Bill that was enacted as long ago as 1984. The then Video Recordings Bill was introduced by Graham Bright, the then Member for Luton, South, who rose to become an extremely successful Parliamentary Private Secretary to an extremely successful Prime Minister, John Major. He introduced the Bill on 11 November 1983.

As is well known, the Bill was intended to address the problem of what were then known as "video nasties". Because videos were unclassified, it was perfectly legal to sell any kind of video without any restriction whatever. As the Minister noted, in the mid-'80s, video recorders—and therefore videos—were becoming all-pervasive, so there was a need to act because videos showing all kinds of unmentionable acts were freely available.

The approach adopted by Mr. Bright in dealing with this problem was ingenious. He introduced a system of classification, and what became illegal was not the selling of an obscene video but the selling of an unclassified video, or a classified video to an inappropriate audience. The test of whether somebody was guilty under the Act was extremely clear-cut. Before the Act was passed, the problem had been that the only available sanction to stop a video nasty was the Obscene Publications Act 1959. Almost by definition, that was a subjective and difficult test to pass. In fact, there were cases of juries clearing people who were accused of selling an obscene video because the jury clearly took the view that it was not obscene. Under the Video Recordings Act 1984 it was made clear that one could not sell an unclassified video. I shall go on to explain why the Act has been so successful—largely because the British Board of Film Classification, to which I pay tribute, has been extremely successful in implementing its provisions.

If any hon. Member has the time over the weekend—or perhaps they will have had time over the Christmas break—it is worth revisiting the debates on the Video Recordings Bill in 1983 and 1984. I am extremely grateful to Mark Taylor from the Library, who pulled out the Committee stages for me to have a look at. The Minister and I were both doing our O-levels at the time, so we may not have been that focused on the debates then taking place.

As the Minister said in his opening remarks, there is a salutary lesson here about how quickly technology changes and moves on. It almost quaint to read those debates, with people referring to the video recording industry as a "new and dynamic" industry; I suspect that most video recorders are now discarded or hidden away in attics. The Minister says that it will be a considerable time before film downloads overtake box sets, but I suspect that in a few years' time, DVD machines will be going the same way and we will be downloading films directly on to our televisions. I will come back to that problem in a few minutes.

The debate on the Bill took place at a time when the technology revolution was just beginning. It is breathtaking to see the changes that have subsequently taken place in our lifetimes.

It is worth reviewing some of the arguments for and against the Bill at the time. For example, there was a proposal to license video stores, which was rightly rejected as bureaucratic. There was also a debate about—*[Interruption.]* There are noises off, Mr. Speaker, which are distracting me from my carefully drafted speech. It is interesting to note—well, it is interesting to me, if not to the hon. Member for Bath (Mr. Foster)—that there were also calls for self-regulation of the video recording industry and suggestions that it should be given time to come up with its own system of regulation. I view that as interesting, because there are echoes of our current debate as the Digital Economy Bill goes through the other place and we are debating whether it is appropriate for the Government to regulate on internet piracy or whether there should be self-regulation by the internet service providers. As the Minister knows, we support the Government in bringing in legislation to crack down on internet piracy.

The debate was notable for other contributions, notably a maiden speech by a new Conservative Member for Norwich, which brings to mind the excellent maiden speech recently made by my hon. Friend the Member for Norwich, North (Chloe Smith). The highlight of the Second Reading debate at the time was a fine and intelligent speech by one Matthew Parris, the then Member for West Derbyshire, who showed the flair and imagination that have been such a hallmark of his subsequently glittering career in journalism. I say all this in the full expectation that I will be written up in exceptionally glowing terms in his column in *The Times* this Saturday. While this House was sad to lose Mr. Parris, its sorrow was tempered by the election of his successor, who I may say has served the people of West Derbyshire, and this House, exceptionally ever since.

Mr. Speaker: Order. The hon. Gentleman's very blatant tribute to his own Chief Whip is of great interest to the House but of no relevance to the Video Recordings Bill.

Mr. Vaizey: I would never dare to argue with you, Mr. Speaker, but I am a little hurt that you have stolen my punchline. I was, of course, referring to my Chief Whip, but there we go. There goes the joke. I had asked for the entire Committee stage of the previous Bill to be photocopied for me, and I was going to refer in some detail to those proceedings in 1983 and 1984. However, I shall take my lead from you, and pass over what I intended to be an extensive discussion of them.

As the Minister has made clear, someone forgot to tell Europe—or, more accurately, the European Commission—that the previous draft Bill should have been referred to the Commission under Council directive 83/189/EEC of 28 March 1983. That directive is more colloquially known—and referred to in my local pub, where we speak of little else—as the technical standards directive. That failure to refer the Bill to the Commission meant that the legislation became unenforceable. This was an error of Keystone Cops proportions, although part of me would like to think that it was a deliberate attempt to subvert the European project. I like to think of the Act standing alone, redoubtable on the white cliffs of Dover, saying something colloquial to the European Commission, such as, "We'll deal with our own pornographers, thank you very much." Sadly, however, this one last redoubt that has stood against Europe for the past 25 years is to be snuffed out today, because somebody told the Commissioners that we had not referred it to them.

Mr. Don Foster: I might have misheard the hon. Gentleman. Will he confirm that his understanding of the Bill that we are about to pass is that it does not involve Brussels imposing something on the UK, but instead achieves a position in which we can prevent the importation of material from other EU countries that does not have the certification that we require? Is this not therefore a case of the UK imposing things on other EU countries, and not the other way round?

Mr. Vaizey: No, that is not my understanding of the Bill. As I understand it, an Act passed by a sovereign Parliament is not an Act unless it has been approved by Brussels.

Mr. Simon: I want to reassure the hon. Gentleman that the Act remains an Act: an Act of this Parliament is an Act of Parliament when it is an Act of Parliament. All that is in question is the enforceability of the Act, which remains on the statute book.

Mr. Vaizey: We are in danger of descending into sophistry. It is an Act of Parliament, but it is a toothless one unless it is referred to Brussels. That is the situation that we are in, but we are not having a debate on Europe and its encroaching powers. Through interventions on the Minister, we have asked how many other Acts of this British Parliament might be toothless, and we look forward to him telling us when the Cabinet Office will report on its audit of every single Act passed since the technical standards directive was put into force.

Keith Vaz: I am following the hon. Gentleman's speech with great interest—but he has not yet told us what grades he got in his O-levels.

Mr. Vaizey *rose*—

Keith Vaz: That was a sort of rhetorical question. I am sure you would have something to say if we were to discuss that, Mr. Speaker.

The hon. Gentleman mentioned an audit of all the Acts since 1984. Does he have information to suggest that other Acts of Parliament have breached the European rules, or is he just speculating that some might have done so? It would involve an awful lot of work if the Cabinet Office were to go through every single Act of Parliament.

Mr. Vaizey: The Cabinet Office would not have to go through every single Act of Parliament. It would have to go through only those that have an effect on trade and the free movement of goods. The hon. Member for Bath made the point that the Act restricts the trade in videos and therefore has to be referred to the European Commission. I hear what the right hon. Member for Leicester, East (Keith Vaz) is saying, however. I know that his Government are keen to save money to protect front-line services, as they say, and perhaps he thinks that the Cabinet Office exercise is a waste of money. Nevertheless, it is going ahead, as the Minister made clear. The Minister hesitated in his response, saying that as far as he knew, no other Act had breached the requirement for reference under the technical standards directive. However, the audit is taking place, and we would like to know when it will be completed.

I want to say a word about fast-track legislation. I said that we supported the Government's aim of getting the Bill through, but I take note of the remark made by the hon. Member for Somerton and Frome (Mr. Heath) that they should not assume, simply because we agree that this Bill is suitable for fast-track legislation, that any other Bill that they decide to fast-track will receive the same assent. However, we agree that this Bill should be fast-tracked, for the reason that the Minister gave—that an important Act that protects the public from unpalatable video content remains unenforceable and is being breached up and down the country. People are aware of the loophole and, as the hon. Member for Bath said, if we delay any longer, the breaches will continue. The Minister said that this would be an effective piece of legislation that could be implemented quickly; it was also debated extensively when it was first introduced.

I paid tribute earlier to the work of the British Board of Film Classification, and it is worth spending some time explaining to the House how the board goes about implementing the legislation. It awards an appropriate classification to video works, it provides clear consumer advice, and when necessary it removes material from a work. In extremis, it refuses to classify a work. I think that about 4 per cent. of videos submitted to the BBFC are unclassified or have cuts made. That figure is down from a peak of about 12 per cent. when the Act was first introduced, which shows that the Act works not only through the direct intervention of the BBFC but by implication, in the sense that people are keen to comply with the BBFC's guidelines before submitting a work to it.

Philip Davies: My hon. Friend puts a positive interpretation on those statistics, but will he concede that they might contain a slightly less positive message? The fact that the number of cuts and rejections has gone down so massively in the past 20 years might mean that although the content of the videos is just as bad as it ever was, the BBFC is now less keen to cut them than it was then.

Mr. Vaizey: I certainly concede that point. One can look at this from the perspective that the glass is half full, or that it is half empty, because tastes have changed. An example is the film "A Clockwork Orange", which was originally banned but is now available on video.

Mr. Whittingdale: I hesitate to disagree with my hon. Friend, but I believe that "A Clockwork Orange" was not banned, but withdrawn by Kubrick, because he was publicly blamed for certain attacks that took place, which the press attributed to the influence of his film.

Mr. Vaizey: I take my hon. Friend's correction. I cannot think of another film off the top of my head, but perhaps "The Texas Chainsaw Massacre" might—

Mr. Whittingdale: "Straw Dogs".

Mr. Vaizey: "Straw Dogs" is one that I almost mentioned. I have not seen it, but it was in the BBFC's briefing to me. I shall come to that film in a moment, as it is covered in my speech.

Obviously tastes change, and some films and videos that were unpalatable 20 years ago are now more palatable. For example, "Straw Dogs", an X-rated 1971 film that was originally rejected for video release, was accepted uncut for video release in 2002 with an 18 classification. "The Exorcist" was released uncut on video in 1999, and "The Texas Chainsaw Massacre"—

Mr. Speaker: Order. I think we have had enough of this—

Mr. Vaizey *rose*—

Mr. Speaker: Order. The hon. Gentleman has been in the House for four and a half years. I am sure he knows that he needs to resume his seat. I was sceptical as to whether we needed to go round the legislative course of 25 years ago, but I am absolutely certain that we need no further evidence of the hon. Gentleman's expertise in cinema.

Mr. Vaizey: I concede your point, Mr. Speaker, but, yet again, you have torpedoed my next joke. Depressingly, I was going to cite the example of "Bridget Jones's Diary", a DVD that was, surprisingly, censored by the BBFC. I was going to make the joke that unless we pass this legislation rapidly, Richard Curtis might start putting out unsuitable DVDs, but I now I shall not.

The BBFC works closely with law enforcement agencies by providing classification evidence to ensure successful prosecutions. That co-operation is necessarily on hold while the Video Recordings Act 1984 is unenforceable.

There were several notable interventions in the Minister's opening remarks about the effect of the unenforceability of the Act on previous prosecutions, which fills me with concern. As far as I am aware, something like 2,600 prosecutions have been successfully carried out under the Act. He says that his Department has received legal advice that if people seek to overturn convictions they are unlikely to succeed, but I do not share his confidence. It appears to be based on legal advice that he and his Department have received that an appeal against conviction would be out of time. However, I assert to him that an individual seeking to overturn a previous conviction would not simply appeal against it—by definition, they would have been prosecuted under a unenforceable Act, so there would be nothing to appeal against. Instead, they would seek to set it aside. I am concerned about that.

The House is not in the habit of passing retrospective legislation. The last Conservative Government passed one piece of retrospective legislation—the War Crimes Act 1991, which allowed people living in this country who were guilty of war crimes in the second world war to be prosecuted. It is not a habit that we want to get into, but I counsel the Minister that his legal advice appears to be extremely ropy. For example, if a person has been convicted under an unenforceable Act—we concede that the 1984 Act is unenforceable—what do they do about their Criminal Records Bureau file? A CRB check on someone could show that they had been convicted under the Act, but they might want to get rid of that and apply to have the conviction set aside. Is it appropriate that the CRB should put convictions under the Act on people's files? That concerns me.

I would also be interested to know what the legal advice on compensation is. Of course, if people seek to set aside their convictions, that is one thing, but seeking compensation from the Government is quite another. What advice has the Minister received about what compensation might be available to people who seek to set aside those convictions? My hope—I do not have the necessary expertise in such matters—is that compensation would be de minimis if it was given at all.

The key point that the Minister tried to get across in his speech, and which we support him on, is that the 1984 Act is very much a live Act: it works and it is effective. Unlike many of the Acts and Bills that we debate in the House—one thinks of the Fiscal Responsibility Bill, which we debated yesterday—the Act has a real impact on consumers every day. He cited the opinion polls that show that 71 per cent. of people make use of classifications under the Act. There is mandatory labelling on the front and back of cases and any other surface of 5 cm or more, and videos must carry the BBFC age rating in words in a prominent position and in a specific size. In the case of box sets that contain differently rated works in one package, the classification of the highest-rated work must be printed on the outer packaging. The vast majority of video distributors include consumer advice to provide additional detail about a work's rating to enable parents to make an informed choice about their children's video viewing, so the ratings empower the consumer, particularly parents.

Keith Vaz: I am delighted that the Minister raises the issue of children. Presumably he is fully behind the recommendations of Tanya Byron. Those over 18 may choose whatever video or DVD they want, but we need to have measures in place that will protect children and young people from having access to violent video games.

Mr. Vaizey: We need to protect children from access to violent video games, films, television shows and books. The issue is not the genre—be it video game, film or video—but the content. That is what we must protect children from. I am flattered that the right hon. Gentleman already considers me to be a Minister. If he is that worried about a future Conservative victory, I hope he will join the rebellion currently being instigated by a number of ex-Ministers for a secret ballot—

Mr. Deputy Speaker (Sir Michael Lord): Order. I believe the hon. Gentleman has enjoyed a fair amount of latitude already this afternoon, and I seriously urge him to stick to the confines of the debate before us.

Mr. Vaizey: Thank you, Mr. Deputy Speaker.

The 1984 Act has been effective in dealing with under-age sales, and it is a vital tool in helping to ensure that children and young people do not gain access to products that are harmful and detrimental to their safety and welfare. Picking up the point made by the right hon. Member for Leicester, East (Keith Vaz), it is interesting to note that in the past two years, more than 200 cases of under-age sales have been prosecuted. That is an example of how the Act is working, and in particular of how it is being implemented to protect children. We often talk about protecting children in the abstract, but the Act is a real, live example.

The Act helps to deal with unofficial and counterfeit goods, and it is used to prevent supplies of counterfeit or pirate works and as a means of detecting unclassified works. It is therefore effective against unofficial products being put into circulation, and therefore helps to protect legitimate businesses from unscrupulous trading. The BBFC frequently gives evidence to the Federation Against

[Mr. Vaizey]

Copyright Theft and the Trading Standards Institute on whether a seized work has been classified by it for distribution in the UK. Even if traders of pirated products are not prosecuted on behalf of rights owners for conspiracy to defraud, or for copyright or trade mark infringement, actions can still be taken for illegally supplying an unclassified work or a classified work to an under-age person.

The Act helps to deal with the problem of parallel imports of video works from other countries. Those are normally in breach of it because they have not been classified or labelled for UK distribution. That is extremely useful to UK retailers and distributors who have acquired licences for sale in the UK and who wish to protect their businesses from unlicensed imports. The point again is that often, prosecutions are the tip of the iceberg. The fact is that people who seek to import videos and distribute them illegally in this country are put off by the provisions of the Act.

The Act can be a gateway to the discovery of other serious offences. Often, investigations that begin with a breach of the Act unearth other criminality such as obscene images, the proceeds of crime or illegitimate business dealings. It can therefore help to uncover unscrupulous businesses.

As the Minister indicated, although the Act remains unenforceable, it is heartening that legitimate makers of videos continue to comply with its provisions. Responsible members of the home entertainment industry, which includes distributors belonging to the British Video Association and games publishers, have continued to submit their works to the BBFC for classification. However, the BBFC is concerned that others are not doing so.

Mr. Don Foster: I join the hon. Gentleman in his praise of the industry. Is he aware that in fact, the number of products that have been submitted for classification since the problem arose has dropped significantly? There must be a concern that material is being produced and sold inappropriately and unclassified.

Mr. Vaizey: Mr. Deputy Speaker, you were not in the Chamber when Mr. Speaker continued to anticipate my every remark. Now that he has left the Chamber, that role has been taken by the hon. Gentleman, because I was about to say that the BBFC is concerned that submissions have decreased significantly. There was an 11 per cent. reduction in September 2009 and 20 per cent. in October 2009. He is not even listening to me now, but there was a reduction of 38 per cent. in only the first half of November 2009. That is an extremely worrying trend.

There are numerous examples of distributors blatantly disregarding the law because they know that it is unenforceable. For example, in Bournemouth, trading standards officers cannot prevent a newsagent from selling R18 and unrated hardcore sex videos or two unlicensed sex shops from selling unrated DVDs. There are examples throughout the country: Brent, Cheltenham, Conwy, Dorset, the highlands, Havering, Islington, Luton, Manchester, Milton Keynes, Powys and Southampton have all reported examples of retailers distributing unclassified works because they know that the 1984 Act is not enforceable. As the Under-Secretary said, some local authorities are even being pursued through the courts for carrying out in good faith what they believed to be their statutory obligations.

We have made it clear from the outset that we support the Government's intention to pass the Bill as quickly as possible. Let me mention only two concerns on which, in a perfect world, we wish the Government had acted.

First, as the hon. Member for Bath said, the Digital Economy Bill will amend the 1984 Act and bring video games into a system of statutory classification using the European rating system known as PEGI—pan European game information. Broadly speaking, hon. Members of all parties support that. Everybody recognises that video games should be classified under a statutory system. The vigorous debate that took place between the British Board of Film Classification and PEGI about the appropriate rating system was played out and a conclusion, which Conservative Members support, was reached.

However, we assert that the Under-Secretary could have inserted relevant provisions in a draft Bill, which could then have been submitted to the European Commission in September and returned to the House to be enacted. To pick up on the point that the hon. Member for Somerton and Frome made, although we support fast-tracking the Bill, we would have supported including provisions in a draft that was submitted to the European Commission and extending the debate on the measure. It need not have taken long—we could have had Second Reading today, Committee tomorrow and Third Reading next week.

I make that point because there is serious concern about the time available for the Digital Economy Bill. It is debatable whether we will even get a chance to discuss those provisions in this House. If the Under-Secretary responds by claiming that including those draft provisions in the Bill that we are discussing would have made a debate impossible, I say wait and see whether we even have a debate on those provisions, if and when they come before us through the Digital Economy Bill. I am not sending a hidden message. Conservative Members intend to co-operate on the Digital Economy Bill—although we take issue with some of it, it contains many important provisions that help the digital economy. However, in the circumstances, with the Prime Minister on the verge of toppling because of a rebellion by his—

Mr. Deputy Speaker: Order. I repeat my earlier remarks to the hon. Gentleman and remind him that we are dealing with one Bill at a time. At the moment, we are considering the Video Recordings Bill.

Mr. Vaizey: That is absolutely correct.

There is some concern that music and sports videos remain exempt from classification. Again, that exemption could have been removed in a draft submitted to the European Commission. There is overwhelming support for removing the exemptions. There is not a shred of logic or intellectual credibility to keeping music and sports videos exempt. Why should something be exempt just because it is of a particular genre? As I said to the right hon. Member for Leicester, East, we are worried about inappropriate content being distributed to minors and adults. Whether it is in a video game, DVD, film, a music video or something related to sport is irrelevant. The exemption is bizarre. I am sure that the right hon. Gentleman agrees—he is nodding.

Keith Vaz: I do not agree that we are talking about the same thing. A film with inappropriate content is not interactive. The point about video games, which is backed up by research from America, is that the player is part of the process. Players shoot and stab people in a video game, and that is different. I accept that inappropriate content is wrong, wherever it is found, but video games are different.

Mr. Vaizey: I continue to assume that the right hon. Gentleman is against hard-core pornography and offensive content. For example, a video by the band Slipknot, which includes self-mutilation by teenagers, remains unclassified. Before we get into a debate on censorship, I am not saying that that content cannot be viewed by responsible adults, or that the video by Mötley Crüe, which depicts a George Bush lookalike with a prostitute, could not be viewed by responsible 18-year-olds. However, I think that all hon. Members agree that it should not be viewed by a 10-year-old, and should therefore be classified so that parents know, if their 10 or 11-year-old comes home saying, "I've got the latest Mötley Crüe video," exactly what it could contain. It is extraordinary that music and sports videos are exempt. We will continue to press for the removal of that exemption. However, we are where we are; the Bill has been introduced in its current form and we do not intend to stand in its way.

I end with a wider point about what the Bill omits, and ask whether we are closing the stable door after the horse has bolted and whether, by considering a Bill that applies to a venerable Act—25 years old—we are missing the point. I ask that because of the advent of the internet and convergence. Although the Under-Secretary said in his opening remarks that experts who retail such products believe that it will be "some considerable time" before the download of film overtakes the purchase and rental of DVDs, I counsel that that "considerable time" could be considerably shortened when one considers, for example, YouTube, which grew from nothing to being a global company in 18 months.

To pick up on the comments of the right hon. Member for Leicester, East about the Byron report, which focuses on keeping children safe in a digital world, I am genuinely interested in the Under-Secretary's thoughts about how and whether content should be regulated online. As he knows, an increasing number of video distributors submit their films for classification to the BBC for an online rating, but obviously more unscrupulous dealers do not do that. The legislation does nothing to ensure that there are any sanctions against people who distribute videos online.

The opportunity to respond to a Second Reading debate for the first time from the Front Bench has been thoroughly enjoyable. It has been a rollercoaster ride. There were a couple of clashes with Mr. Speaker, who took the punchlines of my best jokes, but I hope that I have covered the ground comprehensively and shown the reasons for the Opposition's support for the Government's fast-tracking the Bill today.

1.49 pm

Keith Vaz (Leicester, East) (Lab): It is a great pleasure to follow the hon. Member for Wantage (Mr. Vaizey). I congratulate him on his maiden Second Reading speech from the Front Bench. It was fascinating and I am sorry, Mr. Deputy Speaker, that you were not present for the whole contribution. I feel—and I am sure the House feels—that we know so much more about the hon. Gentleman, especially his encyclopaedic knowledge of all the films and videos that have been produced in the past 25 years.

It must be a Minister's worst nightmare to arrive at his desk in Whitehall to be told by civil servants that an important Act is effectively illegal. An Act is an Act, as the Minister has said, but the news in respect of this Act was that it had not passed through the necessary European legislation hoops and that therefore the prosecutions under it for the past 26 years were, in effect, invalid. I do not know whether the Minister who is present was the Minister who was told that news, but if so, I would love to have been in his office as he received the advice. I must commend him, however, as I think he has dealt with this situation in an extremely calm and cool manner throughout, from how he responded to the first announcements just before Christmas to the way in which he has presented the Bill to the House. It is right for the Government to use this special method to try to get the legislation through the House, because the worst possible thing to do on discovering that an Act of Parliament is not, in fact, enforceable would be to allow that Act to remain on the statute book and individuals and companies to be prosecuted, and then to try to work out at a later stage exactly what to do about that very unfortunate circumstance.

The Minister has given us an assurance that the Government have brought the matter before the House as best they could in the circumstances. We will therefore deal with all the Bill's stages this afternoon, and, judging by the number of Members attending this debate, we should deal with them speedily. By doing so, we might provide more time for discussion of the Digital Economy Bill, as the hon. Member for Wantage said.

In common with every other Member who has spoken thus far, I of course agree that we need to correct the error made 26 years ago, and I commend the Minister on not seeking to make party political points about why it occurred, as this could have happened to any Minister. We do not expect Ministers to have encyclopaedic knowledge of how the European Union works. Ministers operate in accordance with the advice given to them, and clearly over the past 26 years advice was given to Ministers suggesting that the legislation was fully in keeping with European law and was therefore enforceable.

I hope that when the Minister sums up he will tell us in greater detail precisely what will happen to those who have been prosecuted; he alluded to that during the discussion of the allocation of time motion. The question of compensation has been mentioned, and when this was announced I received a telephone call from the home affairs editor of *The Times* telling me what had happened. There is genuine concern among those who have been prosecuted over the past 26 years as to whether their convictions were valid, whether the sums paid in fines will have to be repaid to them and whether they might be re-prosecuted as a result of the new legislation. I am sure that it will not be retrospective legislation. We cannot say that everybody who has been prosecuted under the 1984 Act will have to be re-prosecuted—we do not know. It is extremely important that there is clarity on such issues if the House is to give the Government the benefit of the doubt and allow them to pass the Bill in the space of one day—or a few hours, in fact.

[Keith Vaz]

Let us be clear about what we wish to know. Will those who have been prosecuted be entitled to compensation, and if so, how much will they get? Will they be re-prosecuted? Do their convictions still stand, or are they expunged? What is the precise legal nature of this situation? I am sure that the Minister will have sought the advice of the Attorney-General and that she will have been very clear about where the Government stand in respect of an Act of Parliament that is found to be unenforceable. When the Minister sums up, I hope that he will tell us the answers to those questions.

My second point is about the general debate concerning video games. I am keen not to stray beyond the measures of the Video Recordings Act 1984, but there were some very interesting comments from the Front Benches about their commitment to ensuring that the thriving and innovative video games industry in the United Kingdom, and particularly in London, survives. I am not against what is being proposed, and I have never been in favour of censorship; I have always been very clear that those who are aged 18-plus should be able to buy and watch whatever video games they want. Those who are not sufficiently old should not be able to do so, however, and those retailers who are prosecuted under this Act must be dealt with very severely indeed.

I say that because I disagree with the hon. Member for Wantage, in that I do not believe that watching a film is the same as participating in a video game. I know that you, Mr. Deputy Speaker, have very young grandchildren, and I have children aged 14 and 12. A huge amount of research has been done on the issue, and it has been found that half of all eight to 11-year-olds use the internet without adult supervision. I do not know how many Members present have children or grandchildren aged between eight and 11, but it is a real worry that a half of those in that age group are not supervised by adults when using the internet.

Some parents take the home computer out of their children's rooms and put it in a room where everyone has access to it so that they can watch over what their children are doing online. Parents have different ways of dealing with that issue, but the fact is that watching a violent film is different from participating in a video game. If a young person gets hold of "Modern Warfare 2", for example, they will be asked to participate in a terrorist attack; they will be asked to shoot at civilians in Moscow airport as part of the game. That is why the Russian Government have banned "Modern Warfare 2": they felt that in an age when we are trying to educate our children about the need to understand the dangers of extreme violence, we should not place in their hands, under the guise of entertainment, games that allow them to act in a violent way.

I am grateful to the Minister for what he said about the Digital Economy Bill coming before this House soon, and it is always the hope of Ministers that such Bills will come to the House from the other place quickly, but I have counted that we have just 35 working days from now until 31 March. Nobody knows when the next general election will be held, of course, but there are only 35 complete working days in which legislation can be addressed in this House.

Mr. Whittingdale: The right hon. Gentleman refers to "Call of Duty: Modern Warfare 2". It is already rated 18 and therefore it is already illegal to sell it to somebody who is under age, without the Digital Economy Bill needing to be passed. I do not disagree with the right hon. Gentleman on the necessity of passing that Bill, but there are already provisions in place that prevent children from playing that game.

Keith Vaz: Absolutely, and I would be the last person on earth to question the expertise of the Chairman of the Select Committee on Culture, Media and Sport. The hon. Gentleman is right, but there are certain bits of that Bill that it would be helpful if we could implement. That is a recommendation of Tanya Byron. There is absolutely no point in the Government setting up an inquiry and receiving an excellent report from Tanya Byron if they do not then implement the report as a matter of urgency.

I agree with the hon. Member for Bath (Mr. Foster) on this matter. I know that some people believe that the Liberal Democrats exist to provide consensus, but he is true to type, and he has made it clear that if there are bits of the Digital Economy Bill that we can all agree on, we should go ahead and get on with implementing them. If we can implement the Bill currently under discussion as quickly as we are doing, why should we not do so in respect of other measures? That would be far better than leaving decisions on which Bills will get through to an end-of-Session barney behind the Speaker's Chair between the Chief Whips of both sides. That is not the right way to make legislation. I hope that we can move forward on the issue.

The Byron recommendations must be implemented in full, as doing so will help to strengthen what the Government are trying to do enormously. As far as video recordings are concerned, I pay tribute to what the Government have done over the past few years. There has been a huge leap forward since I first took up this issue, along with others, after young Stefan Pakeerah, from Leicester, was stabbed to death in a park in Leicester in circumstances similar to those found in a video game watched by his killer, Warren Leblanc. I know that the judge in that case said that there was no connection, but the mother of the young boy stabbed to death felt very strongly that there was. Following subsequent meetings with two Prime Ministers and many Ministers, the Government have pushed forward on the matter.

I welcome what the Government have done, but it remains the case that any Member of the House can walk into any video store subject to the Video Recordings Act 1984, pick up a box set and see a tiny—it is still tiny—reference to the age limit for those playing the game. Through various campaigns involving people on all sides, we increased the 18 certificate sign from about the size of a 1p piece to probably the size of a 10p or, possibly, 50p piece. Actually, we have always said that, as with cigarette packets, splashed across the front of a violent video game should be the fact that it has adult content—and good luck to over-18s who wish to buy it! That would bring the fact to the attention of retailers who might, sometimes inadvertently, sell the game to someone under the age of 18.

I was interested to hear the statistics put forward by the hon. Member for Wantage on the number of stores that have been prosecuted. I have been after those statistics for some time. They are good news. The last time some mystery shopping was done—Trevor McDonald on one of his ITV programmes sent in a load of under-18 mystery shoppers—they were sold video games for over-18s, but the stores were not prosecuted. I welcome the fact that the figures are quite high. We are going through the bother of trying to get the Bill through quickly, and we should send out a message that legislation passed by the House will be implemented and that those who break the law will be prosecuted.

Through no fault of the Minister, we find ourselves in the position of trying to repeal and re-enact a law originally passed 26 years ago. That is the fault of neither the Minister nor any other individual. The fact is that the Bill is before us today. I hope that we can make rapid progress and, in the near future, discuss the substance of video games and hear from the Minister on Second Reading of the Digital Economy Bill.

2.2 pm

Mr. Don Foster (Bath) (LD): It is a great honour and privilege to follow the right hon. Member for Leicester, East (Keith Vaz), who serves with such distinction as the Chairman of the Home Affairs Committee and has a clear personal interest in one of the key issues being debated today—video games. I was particularly delighted that he went out of his way to praise the video games industry. He is absolutely right in doing so: it is a vital part of this country's creative economy, which many people believe could be, with the relevant support, as important to the country's economy as the financial services industries have been. Many people have believed him to be interested only in condemning individual video games—he has gone on several crusades in that respect—so it was good to hear him praising the industry, as well as chastising it for some of the projects it has produced.

I was also pleased that the right hon. Gentleman picked up on a point that I made in an intervention on the Minister. Like the right hon. Gentleman, I have done the calculations on the Digital Economy Bill, which makes amendments to the Video Recordings Act 1984, and given the recent announcement that the time allocation in another place will be longer than originally anticipated, it seems highly unlikely that we will be able to get through all the stages of that Bill in this place before the likely date of the general election. Given that there is cross-party support for much of Tanya Byron's excellent report, I hope that the Minister can find ways to ensure that areas on which there is such agreement can be brought forward and put on to the statute book before the election.

I was also pleased to hear the right hon. Gentleman pick up on a point made by the hon. Member for Wantage (Mr. Vaizey), to whom I shall turn in a second, about the successful prosecutions of those who have been selling inappropriate videos to under-age people—to children. It is right and proper that we praise, for example, the many excellent trading standards officers in local authorities around the country who have brought those prosecutions so successfully—if only other cases of under-age sales, such as those of alcohol, were prosecuted with such vigour! However, I am delighted that that is happening in this case.

I am always delighted to be involved in debates in which the hon. Gentleman has participated. I confess that it came as a complete surprise to hear that this was his maiden Second Reading speech as a shadow Minister. He seems to have been in his place as a shadow Minister for so long; it demonstrates how scarce is the legislation on matters within the portfolio of the Department for Culture, Media and Sport. Had we been allowed, many of us would have liked to see legislation such as the Heritage Protection Bill, which would have given him an earlier outing on his party's Front Bench.

The hon. Gentleman occupied the crease for 36 minutes, during which he did a great deal, rightly, to praise the British Board of Film Classification for its work. However, he failed to praise it also for its work in speech writing—I recognised quite a large chunk of his speech from the excellent briefing notes that the organisation provided to all hon. Members likely to be taking part in the debate. However, he raised some important points, and I do not wish to repeat many of them, given that he occupied the crease for so long. We know why we are here and we know what the problem is.

As the right hon. Gentleman said, the Minister was generous in not seeking to gain party political advantage on where the error occurred, whether in 1984, in 1993 when the first revisions took place, or in 1994 when the second revisions took place. One might have expected the concern now discovered—about the provisions not having been reported to the European Union—to have been discovered at that time. Nevertheless, let us praise the current civil servants in the Minister's Department for finding the problem and helping the Minister and his predecessor to find a way to deal with it swiftly.

Swiftness is the essence of why we are here today. It is vital that we get back on to the statute book, as quickly as possible, legislation that provides protection against the sale of inappropriate material to children, and counters the ability of people to sell pirate DVDs and so on. We have all made it clear that we are keen to support the Minister in his desire to fast-track the legislation back on to the statute book and then, if there is sufficient time—I am increasingly concerned about that—to make subsequent amendments to it in light of, for instance, the introduction of the PEGI system for video games. There is support for that on both sides of the House.

Reference has been made to the case for amending the Video Recordings Act itself, something that we could have done today. It might have delayed proceedings, but it could have been an option. The hon. Member for Wantage made a point about some of his party's proposals for changes to the legislation. I would like an assurance that the issues raised will be dealt with in the Digital Economy Bill, so that there will not be a need to amend the Bill that is before us.

I share the concern expressed by the current shadow Secretary of State for Culture, Media and Sport, the hon. Member for South-West Surrey (Mr. Hunt), about DVDs and videos relating to sport, religion and music that do not carry ratings but which often contain material that many of us would think inappropriate, in particular for sale to young people. Such videos include self-mutilation, erotic dancing, sex toys, drug use and so on.

The Minister's officials have made clear a point that was not picked up by the hon. Member for Wantage. They have said:

> "Music, sports or religious videos lose their exemption from classification if they depict sexual activity, mutilation, gross violence or other practices likely to cause offence."

[Mr. Don Foster]

and that in those circumstances,

> "it is for the appropriate enforcement authorities to take action."

The implication is that there is no need for an amendment, because other bits of legislation could be used to prosecute people distributing such material. I would be grateful if the Minister could clarify that issue, because it is one that those in probably all parts of the House want to be resolved. My concern is to find out the means by which it is going to be resolved, or whether the Minister believes, as his officials appear to be saying, that there is no problem and that action can be taken under existing legislation.

I will not dwell on my second point for any length of time, because it has already been raised by the right hon. Gentleman and the hon. Member for Shipley (Philip Davies), who is no longer in his place, despite the fact that the race meeting to which he was hoping to go today has been cancelled because of bad weather. The hon. Gentleman rightly raised the issue of the degree of complacency—I choose my words carefully—that the Minister appears to have about people who have already been prosecuted under the Video Recordings Act 1984, which we now understand was not correctly enforced.

The Minister seemed to imply that the reason why he had been advised that there would be no redress was that people would be too late to make an appeal. However, as the right hon. Gentleman made clear—I think that the hon. Member for Wantage made a similar point—if the legislation was never enforced correctly, we are not talking about an appeal; rather, I suspect that we are talking about a very different legal process. Others have asked, and I, too, would be grateful if the Minister could give us clearer assurances about why he and his officials are correct in this matter.

Keith Vaz: If the law is logical—the Minister will know more than we do about that, because he will have consulted the Attorney-General—and there was, in effect, no conviction because there was no proper legislation, the money from any fines would have to be handed back. If anyone received more than a fine—I am not sure what the penalties are—there would have to be additional compensation.

Mr. Foster: The right hon. Gentleman makes a compelling point. Indeed, I noticed some months ago that he was reported in one newspaper as saying that

> "if the act has never been brought into force, prosecutions under it are void. You cannot prosecute someone and convict them on the basis of legislation that has never been in force".

That seems very compelling indeed. I confess that I have so far heard nothing from the Minister to assure me that the right hon. Gentleman, with his great experience as Chairman of the Select Committee on Home Affairs, is wrong.

Mr. Vaizey: The right hon. Gentleman is also a distinguished lawyer.

Mr. Foster: The right hon. Gentleman is distinguished in many regards, but we will leave it to the equally distinguished, relatively new Minister to come up with an answer to those questions.

I want to pick up a point that I mentioned in an intervention and to take it a stage further. As I have said, the Minister rightly praised the many responsible retailers and producers who have continued to behave as if the 1984 Act were still in force. I add my congratulations to them. However, he also pointed out that there are some problems developing. The first, which I mentioned earlier, is that the number of firms seeking classification has fallen dramatically. Year on year to September last year, the reduction was 11 per cent., bearing in mind that for most of the year it was assumed that the 1984 Act was in force. It is therefore not surprising that by October the figure was 20 per cent. or that by the middle of November it was 38 per cent. There was therefore a significant reduction in the number of people who wanted their material classified.

Mr. Vaizey: Is the hon. Gentleman reading from the BBFC briefing?

Mr. Foster: Indeed, and I am grateful to the hon. Gentleman, because when he made that very point earlier, I looked at the briefing and intervened on him. He is absolutely right.

The other point, which has not been touched on so far, is that as I understand it—from the same, excellent brief from the BBFC—a number of councils and their trading standards officers are being pursued through the courts for carrying out what they thought in good faith were statutory obligations under the VRA. Clearly they were wrong: if the VRA was not in force and they were seeking to prosecute people for breaches of a non-existent Act, one can understand that those people might be aggrieved and seek redress from them. My question for the Minister, therefore, is, what assistance are the Government providing to local authorities in that position?

The third point that has already been touched on—again, by the Minister and others—is about the large and growing number of examples of places around the country where breaches, as they would have been if the law had been in force, of the VRA are taking place. The Minister cited Bournemouth, Conwy and Milton Keynes, while the hon. Member for Wantage referred to a number of other places. In Cheltenham, for example, law enforcement officers cannot pursue a newsagent selling R18 and unrated porn DVDs that are displayed above an ice cream display cabinet. In Manchester, trading standards officers have dropped three VRA cases involving 3,000 videos.

However, there are two examples that I want to draw to the Minister's attention in particular. The first is from Powys, where trading standards officers are unable to pursue seven cases of under-age video games sales. The other example is from Brent, where trading standards officers are unable to prosecute three high street stores for selling age-restricted video games to children. In both cases, as the right hon. Gentleman said, we are particularly concerned about the sale of inappropriate material to under-age young people.

Where those prosecutions have been dropped, I wonder whether the Department has taken note of its own explanatory notes, which point out that, even with the 1984 Act no longer on the statute book, there are other bits of legislation, such as the Obscene Publications Act 1959, that in certain circumstances could be used in respect of the sale of material to under-age people. Being interested in that point, I looked at the equally excellent briefing produced by the Library. In paragraph 2.2 of that briefing, the Minister will find the following reference to how the 1959 Act might be used in such circumstances:

> "The 1959 Act proscribes the distribution, circulation, sale, the giving or loan of obscene material. A point to make here is that at least some successful prosecutions under the 1984 Act could well have been made under the 1959 Act: pornographic material that might be legally supplied to an adult could be obscene if given to a child."

The briefing then quotes the case law on that issue, but my question is, given that there are, and will continue to be, outstanding cases where prosecutions could not now be taken forward under the re-established VRA, will the Department seek to provide support to those local authorities concerned, to see whether they could use other bits of existing legislation on the statue book to help bring prosecutions against those who have sought to abuse the loophole created by the error made back in 1984?

I made it clear—I repeat the point now—that the Minister is absolutely right to get the Bill on to the statute book as quickly as possible, in order to return the protection that the VRA brings and enable the BBFC and all the enforcement authorities to continue their excellent work to date. For that reason, we give the Minister our full support and hope that we get the Bill through quickly today.

2.19 pm

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): It is a pleasure to follow all four previous speakers in what has been a remarkably harmonious debate. I do not intend to change that. This is an important measure, and I welcome the fact that the Government have moved so swiftly to close the loophole that has been identified. I will not dwell on how it came about, but I merely observe that the Government are very fond of blaming almost every ill in society on the actions of the previous Government, and this is one of the very few examples where there may be some merit in that claim.

I hope that the Minister will address the questions raised by the previous speakers about the consequences of the loophole, because I share their concern about the status of those who have been convicted over the course of the past 25 years and the possibility of their bringing actions for what now appear to have been unlawful convictions. I hope that he will spend a little more time on that subject when he responds.

I wish to make a few observations about the Video Recordings Act 1984. I always approach any such legislation with some suspicion, as I am fundamentally opposed to censorship. I believe that in a free society it is up to adults to choose what they wish to see, but there are two important qualifications to that. The first is that there will always be some material that is so unacceptable in its violent or explicitly sexual content that it is deemed to be damaging to people to view it. I accept that, and some examples have been given in the debate.

I shall return to that matter, but perhaps more important is the fact that while adults are free to choose, we have always accepted that children require protection. I join right hon. and hon. Members in paying tribute to the work of the BBFC. It is in the area of age classification that some of the most difficult decisions have to be taken. The film that required perhaps more cuts than any other, some time ago now, was "Teenage Mutant Ninja Turtles", because the distributor was keen that it should be given a certificate that meant children were able to see it. The BBFC felt that it contained inappropriate material, and there was lengthy negotiation. A lot of the controversy about films such as "The Dark Knight" and "Casino Royale" is about whether they should appropriately be 12 or 15.

The virtue of the 1984 Act was that it extended that protection, which already existed in cinemas, to viewing in the home. The Minister gave the statistics on the extent to which viewing in the home has taken off in the past 20 years. When the Act was originally introduced back in 1984, it was accompanied by a degree of what one can only call hysteria about video nasties, and it is worth reflecting on what has happened to some of the most notorious examples of films that were widely cited at that time.

The then Minister, Mr. David Mellor, named three films in the course of the debate. The first was "The Driller Killer", which was banned after the passage of the 1984 Act but then released uncut in 2002, and last night I checked and found that it is available on Amazon for £3.98. The second was "Zombie Flesh [illegible]s". That, too, was banned under the Act but then released uncut in 2005 and can now be found on Amazon at £5.98. The third was "I Spit On Your Grave", which was also on the list of prosecutable movies until 2001 but was then released, although with substantial cuts made by the BBFC, and is now widely available. Perhaps the most remarkable example is a film that was on the Director of Public Prosecutions' list of films that were banned, Sam Raimi's "The Evil Dead", which at the time was regarded as wholly unacceptable but, indicating how tastes change, two years ago was given away free with copies of *The Sun* as a promotional move.

There is no question but that tastes change and we have become more liberal, which I welcome. However, as I said, there will always be films that go beyond what is generally regarded as acceptable. The Minister mentioned one particular film, "Grotesque". Two films were banned by the BBFC in 2008. The first was "Murder-Set-Pieces", described as having scenes in which

> "a psychopathic sexual serial killer…is seen raping, torturing and murdering his victims".

The second has the unlikely title of "The Texas Vibrator Massacre"—I leave its contents to the imagination of hon. Members. I shall return to those two films in a moment.

My hon. Friend the Member for Wantage (Mr. Vaizey) made the important point that there are loopholes in the existing legislation, which existed for good reasons at the time. It was not regarded as possible that a video concerning music or sport could be unacceptable. That loophole has undoubtedly been exploited. I hosted a dinner that the BBFC gave in the House just before Christmas, at which it showed us examples of some of the material that is now available in music videos and sports games that does not require certification because of the loophole in the 1984 Act. I understand why the Government did not feel able to address that matter in the Bill, but I share the wish that has been expressed that the loophole should be closed, and I hope that it will be in the Digital Economy Bill.

[Mr. John Whittingdale]

The second main point that I wish to make is that at the time of the passage of the 1984 Act, the world was completely different. Mr. Graham Bright, the Member who moved Second Reading, said that he defined a video recording as

> "a video tape or video disc. It is thus a physical product."—[*Official Report*, 11 November 1983; Vol. 48, c. 525.]

Of course, it is now not necessarily a physical product. More and more video is being made available through online distribution, which at the time perhaps could not even have been conceived. We are seeking to address that through moves such as those by the BBFC to impose a voluntary system of regulation, but the films that we are concerned about are now very widely available. I return to the two that I mentioned, "Murder-Set-Pieces" and "The Texas Vibrator Massacre". I checked last night and found that both those films are widely available through file sharing sites. An internet search for either with the words "download" or "bit torrent" will bring up any number of sites from which one can obtain them. Equally, they are available through cyberlockers. Both are on Megaupload and RapidShare and can be accessed without any attempt to verify the age of the person downloading them. There is serious concern about how we can continue to protect young people when it is now so easy to obtain such films.

We will debate the matter at greater length when we come to the measures against piracy through illegal file sharing that the Government are proposing to take in the Digital Economy Bill. It is worth remembering that it is not just protection of copyright that is at stake when we consider file sharing. There is equally the concern that it is being used to circumvent the protections that the House has put in place. In the most extreme cases, as I am sure the Minister will be aware, child pornography is being widely distributed through illegal file sharing. That is another reason why I share with other hon. Members the view that it is important that we get the Digital Economy Bill on to the statute book.

Having said that, I agree with the Minister that the majority of distribution of video content will still be through physical product for the foreseeable future, so it is certainly important that the Bill should be passed today and that we should reinstate the protections that we thought were already in place. However, there is a danger that we will be seen to be bolting the front door when the back door is wide open, and we will have to consider that in future.

That leads me to the more general conclusion that I suspect that there is nothing that this House can do to legislate to prevent the distribution of material online from sites that may be located on the other side of the world. When we consider what it is appropriate for people to view, we must remember that that is a matter for adults to decide. The most effective means that we can have to protect children is for parents to exercise responsibility, watch carefully what their children are doing and ensure that they are not obtaining access to content that could be damaging to them. I support the Bill, but I fear that it is beginning to look increasingly old-fashioned and outmoded given the extraordinary pace of development throughout the video sector.

2.30 pm

Mr. Simon: With the leave of the House, Mr. Deputy Speaker, I shall reply to the debate—and what a pleasure it has been. What a bijou gathering of wisdom and experience this is. Two Select Committee Chairmen, the venerable battler from Bath and my old friend from Wantage have all, in their different ways, made valuable, insightful and often entertaining contributions. Would that it were always thus.

We have already congratulated the British Board of Film Classification on the job that it does, by which we meant the job of classifying films, but I think I ought also to congratulate it on the job that it does in lobbying Members of Parliament and providing briefing for these debates. Rarely can the entire participating body in a debate have been so thoroughly and extensively briefed by a single organisation. I visited the BBFC's offices fairly recently and heard its arguments about one or two aspects that we may not see in exactly the same way, but I think we are in accord on most of the issues that Members, in their different ways, have discussed today: that is, the central issues. Let me deal with a few of them, hopefully not leaving out too much but also not using up too much time.

The hon. Member for Wantage (Mr. Vaizey) could not quite resist making the anti-European point that the 1984 Act was clearly a single market liberalisation measure leading up to the Single European Act of 1985—that crowning, triumphant, extraordinary piece of Thatcherite European legislation that is the rock on which the European single market is founded, and the basis on which it continues to exist and derive so much prosperity for our countries and our Union. He mentioned several times—and other Members mentioned it as well—that the Cabinet Office had been looking into the issues. I cannot give him any more detail of who in the Cabinet Office has been doing what, but I can tell him that the need to ensure that the omission was an isolated incident and will never happen again is being taken very seriously.

I agree with the hon. Member for Bath (Mr. Foster), who praised the zeal and efficiency of the DCMS officials who finally discovered the omission and set us on the road to where we have arrived today. If we are not keen—as I am not—to get into the business of allocating blame for causing the problem in the first place, I am sure we can all unite in wholehearted praise for the people who identified it and are helping us to solve it.

The issue of appeals and past convictions is a difficult one. It is not as simple as some Members seem to think. None of the questions involved has been tested in court. To date, the courts have dealt with no attempts to set aside past prosecutions. Successful prosecutions issued before the failure to refer the 1984 Act to the Commission were dealt with through due process, and as such they still stand. The courts are very reluctant to set aside convictions made years ago when the offence was proved and the defendant found guilty under an Act of Parliament passed by the House, only the enforceability of which has been invalidated by a technicality. The Act remains an Act of Parliament. It remains in force. Only the ability of the authorities to enforce is affected by the failure to notify under the technical standards directive.

We think that claims for compensation are very unlikely to succeed. There is no automatic right to compensation, and any legal right to it in these circumstances would be unprecedented. I understand the prism through which Members have viewed the issue. The hon. Member for Wantage claimed that I had been given bad advice. He described the move from the current boxed physical product world to the online world, and said that he was minded to give me better advice on that than I was currently receiving.

Keith Vaz: My hon. Friend has taken definitive legal advice from the Attorney-General, has he not? The fact that the granting of compensation in such circumstances is unprecedented does not mean that it is not right. Will he confirm that he was given that advice?

Mr. Simon: I have taken a great deal of my advice from my officials. I cannot tell my right hon. Friend from whom—in which other parts of Government and which parts of the Government Legal Service—they took advice, but their advice to me has been very clear. Although it is impossible to be certain, there is very little doubt on the issue.

Keith Vaz: My hon. Friend's officials may not be legally qualified. They may be the greatest people in the world, but my hon. Friend is a Minister in the Government and the Attorney-General is the chief Law Officer. I am not trying to trip my hon. Friend up; I am merely trying to establish the facts. If there were a problem relating to legality, surely the Department would have contacted the Attorney-General. It is not a secret. A question could have been tabled to the Attorney-General. Did the Government go to the Attorney-General and ask for her advice?

Mr. Simon: As I have just told my right hon. Friend, I took advice from my officials. By "my officials" I mean the legal officials in the DCMS. As I have said, their advice was very clear. They also made clear to me that they had taken plenty of legal advice from many different parts of the Government, and that, although there could not be certainty when there was no precedent, there was very little doubt. I am sorry, but I cannot tell my right hon. Friend whether the officials questioned the Attorney-General personally and specifically.

I am not sure whether I have fully covered the question of appeals and compensation, but in the absence of further interventions, I shall proceed to answer the questions about the potential for insertion of what might be described as the PEGI clauses of the Digital Economy Bill, which introduce the PEGI European classification system for video games in this country into this Bill.

One of the fundamental reasons why the House has considered the Bill, and why Opposition parties in both Houses have indicated that they consider it appropriate to fast-track it, is that we are not amending an existing piece of legislation which has been in force for 25 years. If the two main Opposition parties had come to us in advance and said "We think it important to include the PEGI clauses", we might have been able to discuss the matter, but I do not think that that happened. We needed to act swiftly, and, legitimately, to use the special fast-track procedure. Part of the reason for concertina-ing the House's usual precautionary procedures was that we were making no change whatsoever. The point is that we need to get the legislation repealed and revived so that it can be amended during the passage of the Digital Economy Bill.

Mr. Don Foster: I apologise for asking a question the answer to which I should really know. I accept the Minister's point as to why the Government have not adopted the PEGI system amendment in this Bill so that we could fast-track it, but can he give me an absolute assurance that, if necessary, the appropriate consultation with the EU is taking place in respect of the PEGI amendment that is being discussed in another place?

Mr. Simon: I can give the hon. Gentleman that assurance—that is happening, for sure.

Mr. Whittingdale: Is it the Government's intention to accept the other amendment that has been tabled to the Digital Economy Bill, which would remove the exemption for sport and music videos?

Mr. Simon: As things currently stand, we are not minded to accept that amendment, although I am not averse to talking about it. I take note of the uniformity of view on that matter, on the Labour Benches anyway. However, I know from my recent visit to the BBFC that it takes the strong view that we should make this change, and the BBFC is very influential in these matters.

Mr. Vaizey: I should remind the Minister that on Tuesday one of his own Back Benchers, the hon. Member for Hendon (Mr. Dismore), is introducing a ten-minute Bill that would bring about this exemption, so there is all-party support for it.

Mr. Simon: I take that point. I do not have a strong, dogmatic view on this. I have considered it, and on balance I have come down on the side that says that given that it is about where we draw the line, the vast majority of content in music and sport videos does not need to be classified in this way, to the extent that it would be an intolerable burden. That is a reasonable position, and that is where I stand. We are not currently minded to accept an amendment to the Digital Economy Bill to that end, although I do not take a dogmatic view on it.

Mr. Don Foster: During my speech I asked the Minister to clarify whether he believes that if such an amendment is not tabled there is still scope for prosecution of that type of material under other legislation.

Mr. Simon: The hon. Member for Maldon and East Chelmsford (Mr. Whittingdale) kindly referred to that. There is still scope for prosecution under the existing legislation because the exemptions apply only up to a certain level. There are several categories of content, at a certain point of which the exemption lapses. Roughly speaking, something like an 18-level content in a music video would need to be classified.

Hon. Gentlemen mentioned one or two examples of what seem like misclassifications. However, that is the road of argument by second-guessing, anecdote and example, and it does not take us very far. The issue

[Mr. Simon]

would be about whether the video had been classified appropriately. The power already exists to classify extreme or 18-ish-rated music videos. Their comments are reasonable, but the fundamental point is that the place for us to have this discussion—I have no doubt that we will do so at great length and in considerable detail—is in the Committee proceedings on the Digital Economy Bill.

Several hon. Gentlemen—including the hon. Member for Maldon and East Chelmsford, with particular erudition and wisdom—talked about the internet and a future in which it will be incredibly difficult to regulate and legislate for these things. I take all those points but merely restate what I said in my opening remarks. The boxed market is still huge and will be so for a considerable period of time, and that is why it is so important that we use this procedure to close the loophole so that we protect the public in general, but particularly children, from the irresponsible retailing of unsuitable and inappropriate material.

Question put and agreed to.

Bill accordingly read a Second time; to stand committed to a Committee of the whole House (Order, this day).

Video Recordings Bill

Considered in Committee (Order, this day)

[Sir Michael Lord *in the Chair*]

Clause 1

Repeal and revival of provisions of the Video Recordings Act 1984

Question proposed, That the clause stand part of the Bill.

2.45 pm

Mr. Simon: If the House will permit me, I will omit, in these circumstances, the usual courtesies attached to the beginning of a Committee stage, and move straight on to speak to the clause, which is at the heart of the Bill.

The purpose of the clause, as stated in subsection (1)(a), is to repeal all the provisions of the Video Recordings Act 1984, which should have been notified to the European Commission in 1984. Subsection (1)(b) then immediately revives all those provisions, which have now been notified to the European Commission. As a result, it makes them enforceable again in law. The Bill and the 1984 Act were formally notified to the Commission in accordance with the technical standards and regulations directive, and it is necessary for the 1984 Act to be repealed and revived in this way to ensure that all its provisions are fully enforceable again. The failure to notify the 1984 Act was a procedural error under the terms of the directive. The purpose of the Bill is to correct the procedural irregularities arising from that omission and to restore the important public protections that the 1984 Act contains and that the public have come to expect regarding the sale of videos and DVDs.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clause 2

Short title, commencement and extent

Question proposed, That the clause stand part of the Bill.

Mr. Simon: Clause 2 merely sets out the short title, commencement and territorial extent of the Bill.

Question put and agreed to.

Clause 2 accordingly ordered to stand part of the Bill.

Schedule

Transitional provision

Question proposed, That the schedule be the schedule to the Bill.

Mr. Simon: The schedule sets out the transitional provisions whereby a bridge is built between the 1984 Act spanning the lacuna of the time when the Act has not been enforceable, and into the future, when the status quo ante is restored. It also ensures that all consequent legislation and administration is kept in balance with the new legislation and the previous Act.

Question put and agreed to.

Schedule accordingly agreed to.

The Deputy Speaker resumed the Chair.

Bill reported, without amendment.

Third Reading

2.49 pm

Mr. Simon: I beg to move, That the Bill be now read the Third time.

Thank you, Mr. Deputy Speaker—*[Interruption.]* Understandably, I am being ribbed from sedentary positions by Opposition Members about what I might say about the Bill on Third Reading, given that we have considered it in so many stages so recently.

Mr. Don Foster: Will the Minister use this opportunity to answer the questions asked on Second Reading in respect of advice and support being given to local authorities?

Mr. Simon: I am very grateful to the hon. Gentleman for that; I did fail to answer that question, although not intentionally. Considerable advice and support are being given to local authorities. The Crown Prosecution Service has produced comprehensive guidance on all the relevant issues for local and trading standards administrations, and we are confident that that guidance will equip them to deal with the situation appropriately.

This Third Reading is a conclusion to the Bill. I need only repeat my gratitude to Members on both sides of the House, and particularly to the Opposition parties, which have supported us wholeheartedly as we have used this procedure to get the measure through the House very quickly. We have done that to restore the safeguards for people of all ages, but young people in particular, so that they are not harmed and outraged by the unscrupulous sale of offensive and inappropriate material.

In conclusion, as the Bill moves to the other place, I add a plea to Members there: debate on this Bill is not the appropriate time for discussion of the Digital Economy Bill, or even the detailed provisions of the Video Recordings Act 1984. This is an emergency, fast-track measure that, by its nature, could not be fast-tracked if it were amended. *[Interruption.]* The hon. Member for Maldon and East Chelmsford (Mr. Whittingdale) looks quizzical. In case he was "quizzicaling" at me, I should say that if the Bill were amended it would have to be renotified in draft again, and that would take another three months.

We need to do this quickly. We are grateful for the support that we have had across the House in getting it done quickly. I commend the Bill to the other place in that same spirit of urgency and seriousness.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Sittings of the House

Motion made, and Question proposed,

That—

(1) Standing Order No. 14 (Arrangement of public business) shall have effect for this Session with the following modifications, namely:

In paragraph (4) the word 'eight' shall be substituted for the word 'thirteen' in line 42 and in paragraph (5) the word 'fifth' shall be substituted for the word 'eighth' in line 44;

(2) Standing Order No. 90 (Second reading committees) shall have effect for this Session with the following modification, namely:

In paragraph (2) the word 'fifth' shall be substituted for the word 'eighth' in line 21; and

(3) Private Members' Bills shall have precedence over Government business on 29 January; 5 and 26 February; 5 and 12 March; 23 and 30 April; and 7 May.—*(David Wright.)*

2.52 pm

Mr. Peter Bone (Wellingborough) (Con): I beg to move amendment (a), line 1, leave out from 'That' to end and add—

'Private Members' Bills shall have precedence over Government business on 8, 15, 22 and 29 January; 5 and 26 February; 5, 12, 19 and 26 March; 23 and 30 April; and 7 May.'.

It is a great pleasure, at long last, to get to this debate. I was rather surprised by the abrupt manner in which the Government moved their motion, which it has been clear for a considerable length of time that they do not want to discuss. Now that they have eventually been forced to discuss the matter, it has been moved formally. That is an extraordinary abrogation of their responsibility.

Getting this motion to the Floor of the House has taken an enormous amount of time and effort. It was originally listed on the Order Paper on 23 November 2009. On 30 November 2009, my amendment was on the Order Paper, and since that day the motion has been listed at the end of business every day with no chance of debate; it has been objected to by Members across the House each and every day.

Why on earth have Members had to object every evening to force this lame-duck Government to debate something so important to Parliament? What we have on the Order Paper today is an alteration to Standing Orders, particularly to Standing Order No. 14. I shall briefly remind the House what that Standing Order is about—the allocation of time in the House. Principally, it refers to the time that the Government have to organise business. Paragraph (1) says:

"Save as provided in this order, government business shall have precedence at every sitting."

So except in relation to the other business referred to by two parts of Standing Order No. 14, the Government always control business in the House. That is why we have not been able to debate this motion before.

Standing Order No. 14(2) relates to Opposition days. That has no particular bearing on private Members' business except in one respect. It says:

"two Friday sittings shall be deemed equivalent to a single sitting".

In other words, a Friday is looked on as a half day. In theory, business on Fridays starts at 9.30 am. However, in effect, right at the beginning of the day there is always a motion that the House should sit in private; on occasion I have been responsible for that myself. That involves a Division, which takes up 20 minutes, so we

[Mr. Peter Bone]

are probably talking about only four and a half hours of business on a Friday. It is that four and a half hours, mentioned in the Government's motion and in my amendment, that I want to discuss today.

The Standing Order protects Parliament and Members of the House by giving 13 Fridays for private Members' business. There is no dispute about that; Standing Order No. 14(4) states:

> "Private Members' bills shall have precedence over government business on thirteen Fridays in each session to be appointed by the House."

There are no ifs, buts or ands: 13 Fridays in each Session are to be appointed for that purpose by the House. The problem is that at the moment the House does not have the power to do that; only the Government can bring those 13 days to this House.

There is no mention of applying a pro rata principle to those 13 days because there may be a general election in a particular Session.

The Parliamentary Secretary, Office of the Leader of the House of Commons (Barbara Keeley): I understand that the hon. Gentleman was elected in 2005, as was I, so he may not remember that it has been standard practice, during parliamentary terms that run to a fifth Session, to pro-rata or reduce the number of days for private Members' Bills. Motions with a similar effect were agreed by the House in both 1991-92 and 1996-97, having been proposed by the then Conservative Administrations. Does the hon. Gentleman want to comment on the fact that that has historically been the case since that time?

Mr. Bone: I anticipated that that would be the only reasoned objection put forward by the Government. Of course, to say that precedent is the reason why we should do everything the same is to make a pretty hopeless argument; according to that principle, there would be no point in our turning up at all. The hon. Lady has failed to mention the fact that Parliament's situation is totally different now from what it was a year or so ago. Parliament has fallen in the esteem of this country, and one of the reasons for that is the all-powerful Executive. The hon. Lady talked about private Members' business in previous years. I was going to talk about that later, but it seems appropriate to mention it now.

The House of Commons Library has produced a helpful booklet called "The Success of Private Members' Bills", which discusses the number of private Members' Bills that have gone through the House and actually become law. As the House will be aware, in the House of Commons there are three ways in which a private Member may get a Bill into law. One is through the ballot, another is by presentation under Standing Order No. 57, and the last is through the ten-minute rule.

In the period that the hon. Lady referred to, under the last Conservative Government—I am not trying to make a party political point here, but she did refer to it—49 private Members' Bills became law. So far, according to the Library, just eight have become law in this Parliament. That indicates that the Executive are exerting more and more control to get less and less private Members' business through the House. In fact, since the 2005-06 Session no presentation Bills and no ten-minute Bills have become law, whereas under the Conservative Government seven presentation Bills and seven ten-minute Bills became law. That shows that over that period there has been a dramatic decline in the level of success of private Members' Bills in this House.

That is because the Executive have become increasingly powerful, increasingly dominant and increasingly determined to get their own way, which is one of the things that people have objected to. Many people have said that Parliament is not relevant any more because the Executive just steamroller through what they want. Those statistics are a clear indication of that tendency.

One way to redress the balance is to have more time in Parliament for private Members' business: time has to be provided for it. I have already argued that the Standing Order says that 13 Fridays must be provided per Session for such business, which, as I have also argued, equates to six and a half normal days' debate. However, the motion before us, quite unnecessarily, reduces the number of days available in this Session for private Members' Bills. My point is that there is no need to do that.

My amendment would restore the 13 days that the Standing Order says the Government have to provide. It does nothing more than that; it just provides the 13 days, which are all Fridays. It does not adopt the Wright report suggestion of moving some private Members' days to Wednesdays. I have not suggested that any of the sitting Fridays should be in the spring recess—or, for that matter, in the anticipated Easter recess. Of course the Government have not told us when the Easter recess will be, and I am looking to the Deputy Leader of the House to see whether she wants to intervene and enlighten us.

Barbara Keeley *indicated dissent.*

Mr. Bone: The Government are deliberately and unnecessarily restricting the voice of individual Members of this House in speaking and getting legislation on to the statute book. As far back as 1949, private Members' Bills went through this House. In that year ballot Bill No. 21 got on to the statute book. So the situation has not always been what we have become accustomed to in the last few years—that only the first couple of Bills have any chance. In 1949 Major Simon Ramsay got the Slaughter of Animals (Scotland) Bill into law, and he came 21st in the ballot.

I know, however, that this Government believe that everything started in 1997, so let us see whether we can find anything in that era that was low down in the ballot but still got on to the statute book. Interestingly, a Bill in the name of my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) got on to the statute book, even though it was No. 19 in the ballot. That cannot be done if the House does not provide time for debate. That was in the 1998-99 Session, so it was in the era since "history" began. In 1999-2000 the hon. Member for Crosby (Mrs. Curtis-Thomas)—No. 20 in the ballot—got the Protection of Animals (Amendment) Bill on to the statute book.

What we have today is complete chaos, and an unprecedented situation. The Government have refused to announce the days on which private Members' Bills will be heard. On 16 December, we therefore had the ridiculous spectacle of the Members presenting their

Bills having no idea on what dates the Second Reading of their private Members' Bills would be allowed to take place. That is unprecedented, and a complete rejection of Parliament by this Executive, who think they can always get their way.

Barbara Keeley: The Members who presented their Bills may have had some idea, because they had seen the dates in the motion tabled by the Leader of the House day after day after day. Those dates were, with I think one exception, the ones that they took forward for their Bills.

Mr. Bone: The hon. Lady is right—and that was the behind-the-scenes skulduggery. That was the Executive exerting power over Members, saying "You will take these dates," even though this House had not agreed to that.

One Member—the hon. Member for Somerton and Frome (Mr. Heath), who is in his place—opted to take the next available date, and he was very sensible to do so. If my amendment is approved, his Bill is printed tonight and he lets the Table Office know that he wants to reinstate it, he will have Friday to debate it. So it is not quite correct for the hon. Lady to give the impression that this was a done deal. Yes, other Members were put under pressure. Through that procedure, which is very unfortunate, Members who have chosen their dates cannot move them back. In other words, if my amendment is accepted, Members who have opted for a later date cannot move back to an earlier one.

I have given some thought to that issue, and it seems clear that under Standing Order. No. 57, on presentation of Bills, it is possible for Members to bring very similar Bills that are already known to this House to the back of the Chair. They could then fill the dates that will become available if my amendment is passed.

My amendment does not remove any of the dates that the Government have provided, so people who are satisfied with the date they have can stick to it. However, those who want an earlier date would have an opportunity to take one.

Peter Bottomley (Worthing, West) (Con): Just to make the situation clear to those who will read this debate, my hon. Friend is suggesting that three spare Fridays in January—before the first one that the Government have proposed—are available, along with two in March. Is it not fair to say that the Government could easily have tabled a motion to suspend the rule, and taken a vote on it and on my hon. Friend's amendment, at any stage since Parliament returned for the new Session?

Mr. Bone: Indeed; I am grateful for my hon. Friend's intervention.

Let me address this issue in a little depth. It has not been sprung on the Government. They proposed this change in the Standing Orders—the motion before us—on 23 November.

A number of hon. Members, including me, have outlined the problem that the motion causes. On 26 November, I raised the matter in business questions, pointing out that on that very day the ballot for private Members' Bills was taking place, although nobody knew what dates had been allocated, and that the number of days allocated was set to decrease from 13 to eight. I argued that, in effect, the number had decreased to six because some of the dates that the Government had chosen were so late that clearly the general election would be upon us before they were reached.

On 10 December, the shadow Leader of the House, my right hon. Friend the Member for North-West Hampshire (Sir George Young), who is in his place, brought up the issue in business questions when he asked why we were not having a debate on it. The hon. Member for Somerton and Frome, who speaks for the Liberals on business of the House matters and who is also in his place, has also raised this question. He has also raised the issue of the Wright Committee report, which has a number of things to say about the allocation of time for private Members' Bills. I might touch on that issue later, if I have time to do so. At the same business questions, my hon. Friend the Member for Kettering (Mr. Hollobone) brought that matter to the House's attention. I must pass on his apologies for not being here today. He would like to be participating in this debate, but the Government have clearly organised the business so that this debate is occurring at the exact time when he is leading a debate on immigration in Westminster Hall. I hope that he will have an opportunity to participate in this debate later.

I have also raised a couple of points of order on this issue; on 16 December, I pointed out that with the exception of that in respect of the Bill introduced by the hon. Member for Somerton and Frome, the Second Reading dates that were announced were not confirmed. I asked how Members were to know that they would be able to debate their private Members' business on the given day. I also took the opportunity—there seemed to be no other way of bringing this to the House's attention in any form of debate—to raise the matter in the Adjournment debate on 16 December. I was hoping that that would provide the Deputy Leader of the House with the chance to argue the Government's case on this matter, but again they did not take the opportunity to make a defence of their reason for cutting down the voice of Back Benchers. Today, when they had an opportunity to comment on it at the beginning of this debate, all we heard was "I beg to move". The situation is ludicrous. There is no defence for it and the Government should be ashamed. They should withdraw their motion, but I doubt whether they will do so.

Some people must be wondering whether I have some hidden motive, whether I am secretly hoping to get a Bill through or whether I am down the list on the ballot—I am not in the top 20. They might be wondering whether this is a political thing and whether the Tory party wants to get something through. That is hardly the case because only three of the first 12 private Members who came up in the ballot are Conservatives. There is nothing political about this; this is about Parliament having the opportunity to discuss private Members' Bills.

I am attracted to one or two Bills. I am attracted to the anti-slavery Bill put forward by my hon. Friend the Member for Totnes (Mr. Steen) and to his work on tackling human trafficking, but that is not the issue here; the issue here is the time available. I am also attracted to a couple of the proposals relating to the Lisbon treaty.

[Mr. Bone]

That leads on nicely to why we must have ample time for debate. There are two reasons to introduce a private Member's Bill. The first is that a Member wishes to change the law. There have been numerous cases where worthy causes have been taken up and put on the statute book, but that can be done only when time is available. Time needs to be available for Second Reading, for the Committee stage and for Third Reading. I am afraid that if this motion is passed today, nobody will get any of their Bills on to the statute book.

Barbara Keeley: As the hon. Gentleman seems to feel so strongly about this allocation of time, can he tell us whether he is implicitly criticising the two previous Conservative Leaders of the House of Commons, who also reduced the number of sitting days in their fifth Sessions? In the 1996-97 Session, the number of sitting days to discuss these matters was also reduced to eight.

Mr. Bone: I am certainly not criticising any past Executive or any past political party. This is not about whether there is a Labour Leader of the House or a Conservative one; it is about the power of the Executive to stop private Members getting a say and getting their business through—that is the issue here.

Barbara Keeley: Perhaps the hon. Gentleman can tell me what the difference is between reducing, on a pro rata basis, the number of days for considering private Members' Bills to eight in the 1996-97 Session, as proposed by the previous Conservative Leader of the House, and this motion. I see no difference.

Mr. Bone: I do not wish to criticise people who were in Parliament when I was not if I have no idea about what the situation was at the time. However, as I have said, a lot more private Bills got through under the Conservative Government; the relevant figure is 49. In 1996-97—the period during which the Deputy Leader of the House claims the time available was shortened—14 balloted private Members' Bills got on to the statute book. Whatever arrangements were in place then, there was plenty of time for private Members to get their business through and for Bills to obtain Royal Assent. That just will not happen under the current arrangement. I have outlined the figures, which show that the situation has been hopeless under this Government—I believe that two private Members' Bills got through last year.

Peter Bottomley: My hon. Friend has dealt with the Deputy Leader of the House's point in a very fair way. What we have not heard from those on the Government Front Bench, either in an intervention or in a speech, is that the issue is whether 8, 15 and 22 January and 19 and 26 March could usefully be provided for the consideration of private Members' Bills. Perhaps it would be worth my observing that having listened to her I find that she is part of a Government—again, I am not being party political—who have claimed that the historic negatives should no longer rule. Most of their claims have not related to something that did not or did happen in the past; they have said that they have looked at new things. What my hon. Friend is suggesting is a new thing and she has not produced a reason why those five days should not be made available.

Mr. Bone: I am grateful to my hon. Friend for his intervention, with which I agree entirely. The Government would lose nothing by accepting my amendment, which would merely increase the amount of time that private Members would have available to them to bring business to this House. There are two reasons why private Members bring Bills to this House. As I have discussed, one is to get them into law. I am sure that some of the private Members' Bills that have been proposed by Labour Back Benchers have much merit, but I am worried that those Members will not have enough time to get the Bills into law and that this House will not have an opportunity to discuss them fully.

The other reason why private Members' Bills come before this House is so that an issue can be debated and the Government must respond on a substantive motion. We hold useful debates in Westminster Hall—I have referred to the fact that my hon. Friend the Member for Kettering is leading one at this moment—and very useful Adjournment debates, but they are not on motions that could become law. In addition, such debates are short and the half-hour debates tend just to have the relevant Minister and the Back Bencher speaking, so no real debate takes place. By comparison, when a private Member's Bill is considered there is a proper debate in this Chamber and everybody takes part.

Philip Davies (Shipley) (Con): I agree with my hon. Friend wholeheartedly, and he is doing a tremendous job, as ever, of defending the interests of Back-Bench MPs. Would he agree that one such private Member's Bill that is tabled for discussion in the next few weeks is that promoted by my hon. Friend the Member for Harwich (Mr. Carswell), the European Union Membership (Referendum) Bill? That is an issue about which many of our constituents are concerned. If the amendment proposed by my hon. Friend the Member for Wellingborough (Mr. Bone) does not succeed today, the chances of that important issue being debated will probably be lost.

Mr. Bone: I am grateful to my hon. Friend for his helpful intervention. I will not be led down the path of arguing the merits or otherwise of being in this horrendous European Union. It would be wrong of me to do that. However, he is quite right to point out the problem about the debate. He talked about the European Union Membership (Referendum) Bill, promoted by my hon. Friend the Member for Harwich (Mr. Carswell). It is listed provisionally for Second Reading on 26 February. There is no problem with that, except for the fact that it is listed as motion 4 on that day and will never be reached.

More interestingly, and to be non-party political, let us take another Bill as an example: the Lisbon Treaty (Referendum) Bill, which also has much merit and is promoted by the hon. Member for Belfast, North (Mr. Dodds). It is also listed on 26 February; it is motion 3. Again, that will not be debated, or at least is unlikely to be reached.

Many issues are brought up by Members who want a debate rather than necessarily to get the law changed. They need time for the debates and on occasion the debates are embarrassing for those who sit on the Front

Benches of the political parties. I dare say that the Lisbon Treaty (Referendum) Bill will certainly be embarrassing for the Government—

Philip Davies: And the Lib Dems.

Mr. Bone: It will be very embarrassing for the Liberal Democrats and it will be interesting for those on my Front Bench.

Irrespective of the issue, we could consider in such a way all 20 Bills that have been proposed. The Debt Relief (Developing Countries) Bill sounds like a pretty important Bill and is listed as the first to be discussed on 26 February. Why not debate that Bill this Friday? Why not allow the time for the arguments to be heard and, if it is the will of the House, for it to get its Second Reading; to go to Committee and to come back to the House for Third Reading? I just do not understand why the Government have taken this view—

Barbara Keeley *rose*—

Mr. Bone: I am going to learn.

Barbara Keeley: I think that the hon. Gentleman is challenging the principle of having some non-sitting Fridays. On this side of the House, we believe that Members need time to discharge their duties in their constituencies as well as in this House. The system of non-sitting Fridays was introduced, I understand, on the recommendation of the former Conservative Chief Whip, Lord Jopling, and has been widely welcomed since its introduction by Members in all parties as they have that time to discharge duties in their constituencies. Given the difficulties that have gripped our constituencies—certainly mine—over the last couple of days due to the extreme weather, it is pretty important that Members should have the chance to get back there.

Mr. Bone: Fridays are important for constituency work, but I do constituency work every day of the week. We are talking about 13 Fridays a Session, and, basically, only the mornings of those days. I do not think that the hon. Lady's argument washes. She failed to say that on a Friday it is only Members who are interested in a particular Bill who turn up, and not the whole House. If the hon. Lady can guarantee that the whole House will turn up on the eight days that she has suggested, so it would be her motion that would give them the other Fridays off, I might be inclined to think again about the motion. Of course, that is not at all what the motion is about. The motion is about restricting the voice of this House.

The hon. Lady's helpful intervention leads me to "Rebuilding the House", the first report of the 2008-09 Session by the Select Committee on Reform of the House of Commons. It talks about the timing of private Members' Bills and states:

> "The House should be responsible for ensuring that merely procedural devices cannot obstruct Private Members' Bills, and that they are brought to a decision."

The Government are using the procedural device of suspending Standing Orders to obstruct private Members' Bills.

The shadow Leader of the House also argued that there is a problem with Fridays. "Rebuilding the House" suggests in paragraph 193 that Wednesday evenings could be used for private Members' Bills. I have not sought to go that far, but it would overcome entirely the hon. Lady's objection that too many Fridays will be used up. If I could have a guarantee from the shadow Leader of the House before the end of the debate that instead of using the Fridays that are free, they will put the extra five days' business on Wednesdays, I would more than happily withdraw my amendment and accept the shadow Leader of the House's words—

Sir George Young (North-West Hampshire) (Con): She is the Deputy Leader of the House.

Mr. Bone: I apologise. Because of her ability, I just assumed that she was Leader. As Deputy Leader of the House, she might want to take some advice before responding. I hope that at some stage we will hear the Government's view on the motion. To say that they have been silent is not quite correct, but "I beg to move" is hardly a good enough argument for a motion that has been on the Order Paper since 23 November and has been objected to by Members of the House on every single evening since.

I have not gone as far as the Committee, but have accepted the current situation, because for some reason the Committee's report has not been debated by the House.

Let me move on to my amendment. It is straightforward and restores the 13 days. It says that

> "Private Members' Bills shall have precedence over Government business on 8, 15, 22 and 29 January; 5 and 26 February"—

that suggests that I have not called for debate on every single Friday, as the hon. Lady suggested. In fact, I was very careful not to interfere with the spring recess. I also selected

> "5, 12, 19 and 26 March"

and I have not suggested another private Members' Bills day until 23 April. Although I do not know the dates for the Easter recess, I know when Easter is so I have allowed for those Fridays, too. I think the hon. Lady was being slightly harsh on me in suggesting that I had picked on every Friday.

I have not heard the argument, but perhaps it will be made at some stage, that there is not enough time for Bills to be printed and prepared for a debate on 8 January—this Friday. However, we already know that the hon. Member for Somerton and Frome could get his Bill then and he could probably have a whole sitting on it, so it is possible. The reason that the Bills have not been printed is that the Government failed under Standing Order No. 14 to provide the dates that they said they would provide and which they are required to do by Standing Orders.

I take what might be an old-fashioned view that Standing Orders exist to protect Parliament—I am sure that is correct—and particularly to protect Back-Bench Members of Parliament and Opposition Members of Parliament against the power of the Executive. Year after year we have seen the Government—the Executive—take more and more power, no matter which party has been in control. This year is a turning point. Parliament has been brought into disrepute by what happened last year. People are demanding that Parliament assert itself and become more independent of the Executive. It is

[Mr. Bone]

amazing that in a year when people are saying that, the Government propose to cut the time for Back-Bench debate.

The Government would lose nothing by providing those extra Fridays. All it would mean is that a Minister would have to turn up on a Friday five more times than is suggested by the Government. Although this is a small piece of the overall reform of Parliament, it is exceptionally important that the Government realise that cutting off difficult debate is not in their interest. They have made that mistake time and again since I have been in Parliament. By reducing the amount of time allowed through programme motions, debate has not carried on and parts of Bills have not even been scrutinised. That is a failure of the Government. The more an item is debated, the more the Government can put their point of view.

Barbara Keeley: I come back to the question that I have already put to the hon. Gentleman. Are members of his Front-Bench team in agreement with the points that he is making? He keeps speaking about cutting off debate and denying Back-Bench Members the chance for debate, but we have allocated private Members' Bill days pro rata in a short Session, exactly as was done in 1996-97 and 1991-92, under a Conservative Administration. If he chooses to condemn an Administration for that, I invite him to condemn earlier ones too, and to tell the House whether members of his Front-Bench team agree with what he is doing today.

Mr. Bone: If I stood up and said that my Front-Bench team agreed with me and that I had the approval of the Whips Office, with my reputation no one would believe me. It would be wholly wrong. I have no idea what members of my Front-Bench team will say on the matter. I hope my right hon. Friend the Member for North-West Hampshire will have an opportunity to speak. He has made it clear in the House that he was amazed and dismayed at the failure of the Government to bring the motion before the House before Christmas so that we could have a debate.

In answer to the hon. Lady, I refer to Standing Orders. I have the 2009 edition, which has not changed in relation to Standing Order No. 14. It says that the House must allocate 13 days in each Session for private Members' Bills on Fridays. I shall read Standing Order No. 14(4), which in my booklet is on page 16. It states:

> "Private Members' bills shall have precedence over government business on thirteen Fridays in each session to be appointed by the House."

That Standing Order could go on and say, as the Deputy Leader of the House would like it to say, that that should be pro rata if there is to be a general election in that Session. Standing Orders do not say that. If the Government wanted to change Standing Orders to say that, they would have to provide that in the following Session, which would be a longer Session, more than 13 Fridays would be allowed. But that is not what the Standing Order says. Why not? It is because of the ballot. I have put in for the ballot every year since I entered the House and come nowhere near the top 20. If one is in that top 20, one expects to have an opportunity to get one's voice heard. That is what the Standing Orders are about, and that is what the Government just do not get.

Mr. David Wilshire (Spelthorne) (Con): I apologise to my hon. Friend and to the House for having been at a Transport Committee sitting, but I have watched the annunciator screen with some admiration, thinking of the pearls of wisdom that my hon. Friend will have been delivering while I have not been in the Chamber. He rightly said that Standing Orders say that there shall be 13 sitting Fridays—not that if the Session is longer, there should be more than 13. They say exactly 13. I have been a Member for 20-plus years and have, therefore, sat through long Sessions and short Sessions. On every occasion that I have ever known a Session to go beyond its length of time, there never have been more than 13 such sittings. Not only do the Standing Orders not say that there must be more, there have not been any more. Is my hon. Friend aware of any occasion when there have been more than 13? That is the most powerful part of the argument: if it has to be 13, it has to be 13.

Mr. Bone: I am grateful for my hon. Friend's intervention, and that is exactly the point. Standing Orders are absolutely clear: 13 Fridays are set aside for private Members' business in each Session. They do not talk about reducing the number in a short Session or extending the number in a long Session. We cannot extend the number of Fridays for private Members' business unless we suspend Standing Orders, and I return to my original argument that Standing Orders exist to protect this Parliament and this House against the power of the Executive. I have yet to hear from the Deputy Leader of the House why the surplus Fridays that we are not using before a general election can be held cannot be used. She has been keen to pop up and down to intervene, but she has never answered that question.

I have said that our having had to wait until today to debate this motion is ridiculous, and that private Members have presented their Bills without knowing the date of their Second Reading. The elephant in the House, however, is that we know that there will be a general election, although not when that general election will be called.

If Standing Orders say that 13 Fridays should be set aside, it is surely logical, in a year when there will be a general election, to take the first Friday available and run things on from there. That would give more Members the chance of a Second Reading at which their Bills might be debated, and it would give their Bills more chance of going into and coming out of Committee. The hon. Lady keeps referring to previous Executives, saying, "They cut the number of sittings down," but if we look at the statistics we find that many more Bills got through: 49 in the final Parliament of the Conservative Government, against eight under this control-freak Executive.

I do not want to take up a lot of time on what I believe to be an exceptionally important matter, because I know about the adverse weather conditions.

Mr. Christopher Chope (Christchurch) (Con): I apologise to my hon. Friend for not having been present at the beginning of his contribution; I was at a sitting of the Procedure Committee. I have the privilege of being a co-signatory to his amendment, however, and not having listened to the whole debate, I wondered whether he would be minded to put his proposed change to the vote. If he were so minded, I would be very supportive of it.

Mr. Bone *rose—*

Mr. David Heath (Somerton and Frome) (LD): A short reprise?

Mr. Bone: I am certainly not going to go over what I have said, because that would be to unfair on other hon. Members who want to speak. However, the issue is very simple: my amendment would restore the 13 Fridays. The trouble is that Standing Orders provide us with a problem, because they say that the House must bring forward 13 days. However, one cannot bring anything forward in this House; the Executive do so.

It may be that in future the reforms proposed in "Rebuilding the House" bring about a House business committee, and I sincerely hope that there will be such a committee and that this problem will never happen again. We have had to wait until today, however, and I think it was only the fact that the Government eventually realised that somebody would turn up at the end of every day's business to object that forced them to have a debate. If Standing Orders are to be changed or suspended on a matter so important as restricting the amount of time for private Members' Bills, we must have a little debate on it. We cannot just allow that to get through on the nod.

Here lies the failure of this Executive. This would never have happened under a different Executive. It would probably not have happened even with a different Prime Minister of the same party. It seems to me that we are making a grave mistake if we allow this motion to go through today.

In answer to my hon. Friend the Member for Christchurch (Mr. Chope), I do seek to put my amendment to the vote. Before closing, I just want to make it clear again to all hon. Members that supporting my amendment will comply with the Standing Orders and restore 13 Fridays for private Members' Bills, while in no way affecting Members who have already selected the days for their Second Reading, as all the days that they have selected are covered by my amendment. The amendment would add and free up five more days for ordinary Members to have a chance to instigate legislation and either hear the arguments debated or get the matter raised and eventually introduced into law.

Mr. Wilshire: I am very pleased to hear that my hon. Friend wants to put the matter to a vote. In reply to an intervention by the Minister, he quite properly said that he was a Back Bencher and did not wish to best-guess what any Front Benchers might think. If I understand it correctly, however, all three main parties have said that they hope to see more power for Parliament and more power and responsibility for Back Benchers in future. It is quite safe to say that all the parties' Front Benchers also think that. By putting his amendment to the vote, is not my hon. Friend offering the House an opportunity for Back Benchers to indicate that they support the view of their Front Benchers? In voting for the amendment, one is voting for more power for Back Benchers to have the time to which they are entitled. The vote is crucial; it provides a chance to see who agrees with their own Front-Bench team.

Mr. Bone: I thank my hon. Friend for that intervention, in which he makes a valid point. All the Front-Bench teams signed up to "Rebuilding the House", the Wright report, and it was the Government who drew up a motion for that report to come into being. What they have unfortunately not done is debate the report. That again is an amazing situation. A vote would be a little test, would it not, for the House today. I am sure that all parties are going to allow a free vote; I cannot believe that any party political matter is attached to the vote. It seems quite reasonable for MPs to say that they are going to restore the power of Parliament in a small way by having the voice of Back Benchers heard. As I said, the House needs to be aware of that point in considering my amendment.

Mr. Greg Knight (East Yorkshire) (Con): One of the problems we currently have with Fridays is the abysmal attendance. I am not quite sure how I am going to vote on my hon. Friend's amendment, but his answer to this question may well be the deciding factor. If his amendment is accepted, will he give an undertaking that he will be here personally on each of the Fridays listed in it?

Mr. Bone: I do not know whether this will encourage my right hon. Friend to vote for my amendment, but I would be here on each of those Fridays.

I thought that my right hon. Friend might be about to mention the suggestion in the "Rebuilding the House" report that we should have sittings to discuss private Members' Bills on Wednesdays. I have already said that I would not press my amendment to a vote if the Deputy Leader of the House, who has now had time to consider that offer, were to suggest that we should keep the Fridays listed in the Government motion and add five Wednesdays, which would bring more people to the debates. I would be more than happy not to press my amendment to a vote in those circumstances, and I wonder whether she would like to intervene to give me her view on that. So far, the Government have said only, "I beg to move".

Mr. Chope: Again, I apologise for not having been here at the beginning of the debate. Has my hon. Friend received any indication from the Government on whether, in the most unlikely event of their being re-elected in the general election, they would be minded to allow more than 13 Fridays for private Members' Bills in what would be the long first Session of that new Parliament?

Mr. Bone: My hon. Friend raises an issue that I touched on earlier, although in a slightly different way, when I said that Standing Orders do not allow for more than 13 such sittings per Session. The next Session will, however, be much longer than usual. If the general election is in June, the next Session could run until the November of next year. In a Session lasting a normal calendar year, one would have 13 such sittings, but one would expect more in a longer Session. I know, however, that Standing Orders would not permit that. It would therefore be necessary to table another Government motion to extend the number of sittings for private Members' Bills in the next Session to—

Peter Bottomley: Eighteen.

Mr. Bone: Indeed. My hon. Friend is slightly quicker at maths than I am.

I would certainly consider withdrawing my amendment if the Deputy Leader of the House were to pop up and say that the Government would table another motion on the timing of private Members' Bills, so that there could be 18 such sittings in the next Session. Again, however, there is a deathly silence—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The hon. Gentleman is repeating himself. He has done so twice while I have been in the Chair, and, on his own admission, he has also repeated something that he said earlier. We are not like a cinema in continuous performance for the benefit of people arriving late. I suggest that he speak strictly to the terms of his amendment, which he has now done for some considerable time.

Mr. Bone: Thank you, Mr. Deputy Speaker. I was, in fact, coming to my conclusion.

Mr. Greg Knight: Will my hon. Friend confirm what he was saying earlier about his willingness to withdraw his amendment if the Government responded positively? He mentioned taking private Members' Bills on a Wednesday. I assume that he means that those debates would take place after the moment of interruption on a Wednesday, and not as part of the main business—

Mr. Deputy Speaker: Order. I hope that the hon. Member for Wellingborough (Mr. Bone) will not be distracted by the distinguished Chairman of the Procedure Committee on matters of that kind. We are not talking about Wednesdays in this amendment; we are talking about Fridays.

Mr. Bone: I want to be very clear that my amendment does not seek to change the precedent of discussing private Members' Bills on Fridays. I have deliberately not gone down that route, because it would involve a change to Standing Orders. My amendment simply seeks to make the House do what it says that it should do, which is to have 13 sittings for private Members' Bills. I have a problem, however, in that we have not heard the Government's arguments at all. The only words we have heard from them are, "I beg to move", and a few interventions. I am therefore trying to anticipate what they might have said in putting forward an alternative argument.

Mr. Wilshire: I am mindful of what you said about Wednesdays, Mr. Deputy Speaker, which is quite right, but can my hon. Friend tell us why he chose the Fridays in his amendment? What is the significance of those particular Fridays?

Mr. Deputy Speaker: Order. The hon. Gentleman, by his own admission, was unable to be here for a large part of the debate. Those points have been covered, and I shall have to invoke Standing Orders on repetition against the hon. Member for Wellingborough if he is tempted down that line.

Mr. Bone: I am certainly not tempted down that line, Mr. Deputy Speaker.

My amendment does not break Standing Orders in any way. The Government could have chosen the Fridays that I have chosen. None of them will be in a recess, including the anticipated Easter recess. Between each, enough days are provided for the presentation and publication of Bills, and there are enough days for the House to consider them. That is why 18 January could and should have been used.

Mr. Andrew Pelling (Croydon, Central) (Ind): I apologise to the hon. Gentleman and to you, Mr. Deputy Speaker, for not being in the Chamber earlier in the debate. Constituency work kept me away, as I sat here throughout yesterday.

In his commentaries on the amendment, has the hon. Gentleman been able to point out the comparison between this House and the US Congress? Congressmen make a very great merit with their constituents of legislation that they have personally got on to the statute book. Does not that emphasise the importance of the amendment, and of maximising the number of days available in the remainder of the time of this Parliament?

Mr. Bone: I am grateful to the hon. Gentleman for making his point and that is on the record, but I do not want to be drawn into making comparisons with the US Senate. Clearly, the US Executive are outside Congress and the Executive here are in the House.

It is very good news that the Government Chief Whip has turned up to listen to and encourage debate in the House on more time for parliamentary business. I am really pleased to see him here and I hope he has an opportunity to catch your eye, Mr. Deputy Speaker, a little later.

Other hon. Members may wish to speak in the debate, and I shall take this opportunity to conclude my remarks. By supporting my amendment, the House would not demur from anything in the Government motion and it would not affect any Member who has already selected a day.

3.53 pm

The Parliamentary Secretary, Office of the Leader of the House of Commons (Barbara Keeley): The motion in the name of my right hon. and learned Friend the Leader of the House provides for private Members' Bills to be considered on eight Fridays, rather than the 13 provided for in Standing Order No. 14(4), and appoints the days.

As I indicated earlier, we are, for the first time since 1997, in the fifth Session of a Parliament. That is key in the context of the motion. We know that the current Session must end no later than 10 May this year. That means that there could be a maximum of only 82 sitting days, including the eight Fridays proposed in the motion, which compares with an average of 158 sitting days per Session since 2001. The motion therefore reduces the number of sitting Fridays pro rata to match the length of the Session. As I have indicated a number of times in interventions, in 1991-92 and 1996-97, motions with a similar effect were proposed by the then Conservative Administrations and agreed by the House.

The remaining provisions of the motion are consequential on the change in the number of days. They bring forward from the eighth to the fifth Friday the earliest date on which a Bill may be referred to a Second Reading Committee, and the date on which Bills start to take precedence according to how much progress they have made rather than simply according to the order in which they were introduced.

The motion is not about restricting Members in any way. The Leader of the House tabled a motion, which announces dates pro rata to the length of the Session. The opposition of the hon. Member for Wellingborough (Mr. Bone) has so far prevented the dates from being set. We are considering a routine House motion, which is necessary to adapt the House's private Member's Bill procedures to the shorter fifth Session.

The motion will allow the private Members' Bill process to continue in an orderly and predictable manner for hon. Members who have been fortunate enough in the ballot to make progress with their measures. I commend it to the House.

3.55 pm

Sir George Young (North-West Hampshire) (Con): I am glad that the Government have finally allowed us to debate this matter—the motion and the amendment have been on the Order Paper since 23 November. I have raised the failure to resolve the matter in business questions, as have other hon. Members. Until today, there has been no certainty about the dates for discussing private Members' Bills. Again, the Government seemed to expect that they could assume Members' support when they timetabled House business. When opposition was expressed in the form of an amendment, which my hon. Friend the Member for Wellingborough (Mr. Bone) tabled, the Government assumed that they could get the motion through on the nod at the end of the day's business rather than allowing proper discussion, which we are now having. That is not right and it has been raised in the report, which my hon. Friend mentioned, about allowing the House more control over its business. Under the Wright scenario, I suspect that we would not have had the problems that my hon. Friend described.

However, that is a debate for another day, together with whether we move private Members' Bills from Fridays to Wednesdays. I commend my hon. Friend's defence of private Members' Bills, which was made with no self-interest because I am afraid that he was not successful in the ballot. It is important that the House jealously protects private Members' time. I say that as someone who was successful in the ballot in 1997, when my main problem was not time, but Eric Forth. Getting the Bill round him was the major task, and, indeed, we did that.

Of course, I sympathise with my hon. Friend's desire to maximise the number of days for private Members' Bills. However, the Government's proposal to act pro rata and move to a lower number to reflect the shorter Session is right. As the Deputy Leader of the House said, it is in line with previous practice.

My hon. Friend made several compelling points, some more compelling than others. However, one of his more compelling points was that in a shorter Session, the number of days decreases, but in a longer Session, the number does not increase. The House may want to revert to that in the context of the Wright debate and allocating the future business of the House.

Mr. Chope: My right hon. Friend is making an excellent point. Can he, on behalf of Her Majesty's loyal Opposition, say that if a Conservative Government were elected later this year, they would take account of the extra length of the Session and allow more private Members' Fridays?

Sir George Young: The short answer is no and the longer answer is probably also no, because the House has yet to debate the Wright report, whether we should have a business committee and how time should be allocated in future. I approach that with an open mind. I served on the Wright Committee and I have much sympathy with it, but I cannot today commit any future Administration to an increase in the pro rata number from 13 to 18 or a higher number, which my hon. Friend ingeniously tries to tempt me to do.

On this occasion, I propose to support the Government's motion.

3.58 pm

Mr. David Heath (Somerton and Frome) (LD): The right hon. Member for North-West Hampshire (Sir George Young) said that the hon. Member for Wellingborough (Mr. Bone) had no personal interest in the matter. However, I have enormous personal interest, having been successful in the ballot, albeit in a lowly position this year—not that one's position in the ballot makes much difference to making progress with private Members' legislation, because some Government Whip need only shout "Object" for a measure to fall, as I found out in the previous Session. Nevertheless, were the amendment accepted, it would allow time to enable my important School Transport Bill, which would provide for a yellow bus system in this country—greatly to the advantage of children throughout the country and, indeed, the environment—to progress, or at least be debated.

However, the difficulty is typified by the debate. The Executive, not the House, prioritise the House's time for debate. The Executive decide what will happen and put that before the House, and only the Executive are allowed to do so. Answering on behalf of Her Majesty's Opposition, the right hon. Gentleman says he is unable to commit his party to taking a different position if it were to form the Executive in future, so the Executive would still have control of the business of the House. Back Benchers of all parties do not have as much control of the House's business as I think they should have.

All of that would be corrected if we could make progress on the proposals in the Wright Committee report. I do not intend to debate them today, because they are not the substance of the issue before us, but making progress on that would have the following two results: first, we would never in future have before us another such motion in the name of a Minister; secondly, we would no longer have rationing of days by the Executive. Instead, that would be determined by a committee of the House. It would consider the rationale of all of this and whether it is appropriate to make the abatement which is the substance of the motion, and we would have the option to consider whether Wednesdays are a better day than Fridays for the consideration of private Members' business.

[Mr. David Heath]

So much is wrong with the current procedures for private Members' business. So many obstacles are put in the way of making rational progress on what may be very commendable Bills, and it appears to me that the will of the House is the last thing to be considered in respect of both the time made available for Bills and whether a Bill goes ahead. It is too simple to scupper something from a sedentary position, rather than debating matters and allowing the House to determine the result.

Mr. Deputy Speaker: Order. I have to say to the hon. Member that although he said he did not wish to have a wider debate, he seems now to be indulging in just that. He must come back to the amendment before the House today.

Mr. Heath: The amendment and the motion, I think, Mr. Deputy Speaker. Of course, the motion sets out the Fridays on which private Member's Bills can be considered, and I was considering the procedure that would be applied on those Fridays were the House to agree to them. My contention is simply that the procedure is in desperate need of reform. That is one of the key reforms put forward in the proposals, but it is typical of this Government that we have these proposals and they never get debated. Week after week, we ask at business questions for them to be debated.

Mr. Deputy Speaker: Order. I am sure the hon. Gentleman is not being deliberately difficult, but he is now talking about the wider issue. He is perfectly correct to say that we are talking about the Fridays listed in the motion and the alternative Fridays in the amendment, but we should not be talking about the wider issues that may come out of the investigations of the Reform of the House of Commons Committee.

Mr. Heath: I apologise to you, Mr. Deputy Speaker, for being inadvertently obtuse by not responding more promptly to your very clear instruction. I was attempting to say that such behaviour is typical of the Government in respect of the motion before us, as it has some of the key features: it is a motion, take it or leave it, and it has not been debated by the House until now. We have asked week after week for it to be debated. On each and every occasion that it has been listed for debate, the hon. Member for Wellingborough or one of his hon. Friends has shouted "Object", and therefore it has not been debated. Had the Government wished to do so, they could have brought forward this debate at any stage in the last few weeks. It would have been in order for them to have done so. It would have been proper for them to have done so before the First Reading of private Members' Bills shortly before Christmas, but they did not do so. That is one reason why the hon. Gentleman is absolutely right.

When I was asked for the date of the Second Reading of my own private Member's Bill, I said, "Tomorrow," rather than name a specific date, none of which we knew at that stage because the House had not agreed to the timetable that is the substance of the Deputy Leader of the House's proposal. Because the House had not agreed that, I did not feel that I could assume either that the House would agree to the motion or that the hon. Gentleman's amendment would not be agreed to. I found myself in some difficulty, therefore, which is why I said, "Tomorrow," when asked about the date for the Second Reading of my Bill.

Mr. Pelling: Will the hon. Gentleman briefly remind me of the Bill for which he thinks it so important to provide time for discussion in the House?

Mr. Heath: At the risk of repeating myself and incurring the wrath of Mr. Deputy Speaker, it is the School Transport Bill, which in my opinion is a very important Bill, because it deals with matters affecting every schoolchild in this country, road-user safety and the inappropriate use of many vehicles on the morning school run. I am keen, therefore, that the Bill be given an opportunity, on one of these Fridays, to be debated, but I honestly do not believe that it will be if the motion is passed. But that is my misfortune. I should have arranged to be drawn No. 1 in the ballot, rather than No. 19. That way I would at least have ensured a Second Reading. However, it does not alter my view that private Members' business is important, that we should find proper opportunities to debate it and that we need to reform procedures of the House so that we do not get motions of the sort presented by the hon. Lady today.

I agree with an interesting point that the hon. Member for Wellingborough made. I do not think that Standing Orders currently provide for the procedure that appears to be accepted by everyone and which has been used previously. I do not think that the change proposed by the hon. Lady is provided for. Now, perhaps it should be. Perhaps there should be a provision in Standing Orders relating the number of days devoted to private Members' business to the length of the Session. That would be perfectly logical and is probably a view shared by the right hon. Member for North-West Hampshire. There is logic in saying that there should be more days for a long Session and fewer for a short Session, and I do not think that any of us would disagree with that. However, if that is the intention, the House should decide and Standing Orders should provide for it, not for what on the face of it is the absolute opposite, which is an absolute number of days to be provided by the House—not Ministers—for the consideration of private Members' legislation.

I am glad that we have finally had an opportunity to debate this matter. I have no idea why it had to be delayed for so long, other than the normal cloth-eared intransigence of the Conservative Front Bench—*[Interruption.]* I mean the Government Front Bench. I am sure that the Conservatives will be just as cloth-eared and intransigent when, and if, they ever form a Government, but we shall see—let us give them the benefit of the doubt, for the moment. However, we should have debated the matter earlier, and I certainly shall advise my right hon. and hon. Friends to make their own decisions on whether to support the amendment in the name of the hon. Member for Wellingborough, because this is a House matter, not one to be determined by Front Benchers of whatever complexion.

4.8 pm

Peter Bottomley (Worthing, West) (Con): I am grateful to the Liberal Democrat spokesman for anticipating a possible result of the certain general election. The problem here is caused by the expiry of Parliament in May. The

Government, who must have known that this was coming, ought to have suggested that there be two private Members' days in each sitting month. That would have solved the problem. It would give us roughly the 13 days that we want by working out the number of private Members' days in proportion to the number of weeks on which we are sitting.

That does not mean that all private Members' Bills would be either discussed or necessarily passed. In memory of Eric Forth, there is what I call the Chope-Dismore choke. Any private Member's Bill has to get through this little parliamentary interest. Many of the concerns of those who promote these Bills are not about the people who object sitting down but about those who discuss the merits of the Bills and their possibilities on their feet—clearing their throats, as my hon. Friend the Member for Wellingborough (Mr. Bone) did with some distinction and effect this afternoon.

Mr. Chope: My hon. Friend is not suggesting, is he, that he does not think it a good idea that such Bills should be properly debated in the House?

Peter Bottomley: I certainly think it right that such Bills should be discussed, and I admire the way in which my hon. Friend manages to do that so effectively and, often, so extensively.

Mr. Heath: If the amendment standing in the name of the hon. Member for Wellingborough (Mr. Bone) were passed today, one of its inadvertent consequences would be that most of those days would be devoted to consideration of the nine Bills presented by the hon. Member for Hendon (Mr. Dismore) earlier today.

Peter Bottomley: I will not deviate from what I intended to say, which is not as extensive as it would be if I followed every remark that the hon. Gentleman felt he ought to have made in his speech and that he has decided to put into mine.

The reason for supporting the amendment is a simple one. Liberty and responsibility are things that people take; they are not things that are given. We should be saying to the establishment, which is represented at the moment by the Deputy Leader of the House and rather elegantly by my right hon. Friend the Member for North-West Hampshire (Sir George Young), the shadow Leader of the House, who can see all the proper considerations, that if this House—that basically means those who are free to vote as they wish—votes as my hon. Friend the Member for Wellingborough suggests, we will be taking responsibility for our affairs and using the liberty of our votes to say that we want those days for ourselves. I believe that we should do exactly that.

I finish by making an observation that was made yesterday as well. It is rare that a Government motion, whether it be a motion on a Bill or a motion such as that which we are debating now, is discussed in the House—not put through on the nod, but discussed—and not a single Government Back Bencher speaks in favour of it.

4.11 pm

Mr. Christopher Chope (Christchurch) (Con): Very briefly, I should like to put on record my admiration for my hon. Friend the Member for Wellingborough (Mr. Bone), who ensured that we got this debate by persistently blocking the motion on the Order Paper and not allowing it to go through on the nod. His amendment is first class. I am delighted that I was able to support it, and I look fo[illegible] to voting for it soon.

Question put, That the amendment be made.

The House divided: Ayes 78, Noes 254.

Division No. 30] **[4.12 pm**

AYES

Alexander, Danny
Amess, Mr. David
Baker, Norman
Barrett, John
Beith, rh Sir Alan
Binley, Mr. Brian
Bone, Mr. Peter
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Cormack, Sir Patrick
Davies, Philip
Evans, Mr. Nigel
Flynn, Paul
Foster, Mr. Don
Gale, Mr. Roger
George, Andrew
Gidley, Sandra
Goldsworthy, Julia
Harris, Dr. Evan
Harvey, Nick
Heath, Mr. David
Hemming, John
Hopkins, Kelvin
Horwood, Martin
Hosie, Stewart
Howarth, David
Hughes, Simon
Huhne, Chris
Jenkin, Mr. Bernard
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Kramer, Susan
Lamb, Norman
Laws, Mr. David
Leigh, Mr. Edward
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Mason, John
Mitchell, Mr. Austin
Moore, Mr. Michael
Öpik, Lembit
Ottaway, Richard
Pelling, Mr. Andrew
Pugh, Dr. John
Rennie, Willie
Robertson, Angus
Russell, Bob
Sanders, Mr. Adrian
Short, rh Clare
Spicer, Sir Michael
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Swinson, Jo
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Tyrie, Mr. Andrew
Walter, Mr. Robert
Whittingdale, Mr. John
Williams, Mark
Williams, Stephen
Willott, Jenny
Wilshire, Mr. David
Winterton, Ann
Winterton, Sir Nicholas

Tellers for the Ayes:
Mr. Christopher Chope and
Mr. Philip Hollobone

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, rh Mr. Douglas
Anderson, Mr. David
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Baldry, Tony
Balls, rh Ed
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Benyon, Mr. Richard
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Blunt, Mr. Crispin
Borrow, Mr. David S.
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des

Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burt, Alistair
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Campbell, Mr. Alan
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Clark, Greg
Clark, Ms Katy
Clark, Paul
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Connarty, Michael
Corbyn, Jeremy
Crabb, Mr. Stephen
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dunne, Mr. Philip
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Etherington, Bill
Fabricant, Michael
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Michael
(Worcester)
Foster, Michael Jabez
(Hastings and Rye)
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Garnier, Mr. Edward
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Goodwill, Mr. Robert
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Harris, Mr. Tom
Hayes, Mr. John
Healey, rh John
Hepburn, Mr. Stephen
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jim
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Khan, rh Mr. Sadiq
Kidney, Mr. David
Ladyman, Dr. Stephen
Laing, Mrs. Eleanor
Lammy, rh Mr. David
Lancaster, Mr. Mark
Lazarowicz, Mark
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McLoughlin, rh Mr. Patrick
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morgan, Julie
Morley, rh Mr. Elliot
Mullin, Mr. Chris
Murphy, rh Mr. Paul
Murrison, Dr. Andrew
Naysmith, Dr. Doug
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Osborne, Sandra
Owen, Albert
Pearson, Ian
Penrose, John
Plaskitt, Mr. James
Pound, Stephen
Prentice, Mr. Gordon
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, John
Robertson, Mr. Laurence
Robinson, Mr. Geoffrey
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Seabeck, Alison
Selous, Andrew
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, rh Angela E. *(Basildon)*
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Timpson, Mr. Edward
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Andrew
Turner, Dr. Desmond
Twigg, Derek
Vara, Mr. Shailesh
Wallace, Mr. Ben
Walley, Joan
Waltho, Lynda
Ward, Claire
Waterson, Mr. Nigel
Watkinson, Angela
Whitehead, Dr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek
Young, rh Sir George

Tellers for the Noes:
Helen Jones and
Mr. George Mudie

Question accordingly negatived.

Main Question put and agreed to.

Ordered,

That—

(1) Standing Order No. 14 (Arrangement of public business) shall have effect for this Session with the following modifications, namely:

In paragraph (4) the word 'eight' shall be substituted for the word 'thirteen' in line 42 and in paragraph (5) the word 'fifth' shall be substituted for the word 'eighth' in line 44;

(2) Standing Order No. 90 (Second reading committees) shall have effect for this Session with the following modification, namely:

In paragraph (2) the word 'fifth' shall be substituted for the word 'eighth' in line 21; and

(3) Private Members' Bills shall have precedence over Government business on 29 January; 5 and 26 February; 5 and 12 March; 23 and 30 April; and 7 May.

Election of the Deputy Speakers

4.25 pm

The Parliamentary Secretary, Office of the Leader of the House of Commons (Barbara Keeley): I beg to move,

> That this House approves the Fourth Report from the Procedure Committee of Session 2008-09 (House of Commons Paper No. 1080); endorses the principle that the Deputy Speakers should be chosen through a ballot of the whole House; and endorses the preparation by the Procedure Committee of detailed proposals for the election of the Deputy Speakers and the consideration by the Committee of the introduction of term-limits for the Speaker and Deputy Speakers.

The motion on the Order Paper has been brought before the House at the request of the Procedure Committee. The Leader of the House is therefore facilitating that request, which I believe has cross-party support. On 2 July last year, Mr. Speaker proposed that Deputy Speakers should be elected. The Procedure Committee then conducted an inquiry, and on 2 November published its report, "Election of the Deputy Speakers: Principles". In the report the Committee recognised that further work was needed, and before taking that work forward, it asked the House to endorse the principles that it has identified: that the Deputy Speakers should be elected; that they should be elected by the whole House in a way that ensures that the party balance within the House is respected; that the Procedure Committee should prepare detailed proposals for the House to consider at the start of the next Parliament; and that the Procedure Committee should examine the idea of adopting term limits for the Speaker and the Deputy Speakers, and make recommendations. I commend the work of the Procedure Committee in producing its report.

Mr. Andrew Pelling (Croydon, Central) (Ind): In giving consideration to the acceptance of these principles, there are two important concerns. First, the Speaker and the Deputy Speakers clearly need to work as a team; therefore, although we have had the very successful election of a Speaker, there will be issues of compromising that teamwork if elections for Deputy Speaker take place. Secondly, on term limits for Speakers and Deputy Speakers, the House should give consideration to the impact that that might have on the ability of the Speaker's team of Deputy Speakers to be sufficiently independent of the House to be able to maintain its proper discipline and order.

Barbara Keeley: I acknowledge the hon. Gentleman's point, and I am sure that the Chair of the Procedure Committee, who is here with us, has heard it. However, it would not necessarily be appropriate for me to respond, as I am moving this motion on behalf of the Leader of the House, to facilitate the further work of the Procedure Committee in taking it forward.

Mr. Pelling: Will the Minister help me to understand this clearly? In her speech she said that we were accepting the principles; subsequently, in answer to my intervention, she said that this was purely a matter of process. Could she explain whether in supporting the motion we are accepting the principles of elections and term limits?

Barbara Keeley: As I said, we are accepting the idea that the Procedure Committee should examine the issue of adopting term limits. That is not to say that we are accepting term limits. We are adopting the principle as laid out but there is further work to do, and the Procedure Committee will be taking that forward. I hope that that is clear to the hon. Gentleman. If the House agrees to the motion the Procedure Committee will produce a further report. The motion simply asks the House to endorse this decision, and I commend it to the House.

4.28 pm

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): The motion reflects changing times, and Conservative Members support it. As the Deputy Speakers serve the whole House, there is merit in the argument that the whole House should have a say in who they are. Moreover, this is consistent with the arguments for reform of the House of Commons, in that there are proposals for the election of the Chairmen of Select Committees.

By passing the motion, we will allow the Procedure Committee to continue urgent work to create the mechanism required for the election of Deputy Speakers. It will not be an easy task, as there are several matters to consider, not least to ensure that the party balance is maintained with the final result. Given that the aim is to ensure that the proposals are in place for the start of the new Parliament later this year, I wish the Procedure Committee well with all its deliberations.

4.29 pm

Mr. David Heath (Somerton and Frome) (LD): I, too, support the motion. It is sensible for the Procedure Committee to be given the green light to proceed with its deliberations. I had the great pleasure of discussing these matters with members of that Committee this afternoon, and I know that they are taking great care in looking at all aspects of the issues. The issues are complex; deciding the details of the scheme that will be put before the House is not as simple as might at first be perceived, and the Committee members are taking great care to consider all the implications. Nevertheless, it is right that today the House as a whole should give its imprimatur to the direction of travel that the Procedure Committee is taking.

The one caveat that I enter is that there will be an impact on some of the procedure that will be needed in respect of the exact role of the Deputy Speaker. We are not, of course, discussing the Wright Committee today, but if its proposals for the future role of Deputy Speakers are adopted by the House in respect of giving the Chairman of Ways and Means greater influence over the programme and business of the House, that will have an impact on the eventual proposals put before the House. I am a little worried about the timing of those two factors and the impending general election. It would be greatly to the advantage of the House to have the matter determined before Dissolution, so that the new Parliament has the opportunity to elect the Deputy Speakers in good order at the start of the new Session. With that one caveat, I shall certainly advise my right hon. and hon. Friends to support the motion.

4.31 pm

Mr. Greg Knight (East Yorkshire) (Con): I thank the Deputy Leader of the House, my hon. Friend the Member for North-West Cambridgeshire (Mr. Vara), her shadow, and the Liberal Democrat spokesman, the hon. Member for Somerton and Frome (Mr. Heath),

[Mr. Greg Knight]

for their support for the motion. In answer to the hon. Member for Somerton and Frome, I should say that the Procedure Committee shares his view that this matter will best be settled as soon as possible—certainly during the lifetime of this Parliament. The Procedure Committee is currently meeting weekly to try to meet that goal.

As has been said, the motion is an endorsement of the principle of election for Deputy Speakers. I say to the hon. Member for Croydon, Central (Mr. Pelling) that I suppose some academic might say that we already have a system of election in place, in that the motion that comes before the House for their appointment may be voted on, and is amendable. However, the last time such a Division took place was in 1962. The downside of our current procedure is that such a motion is tabled without notice, so no Member in any part of the House has any time to reflect on whether he or she wishes to support the names being put forward. Indeed, on the day when it normally occurs—the day of state opening—there is no Order Paper. Members do not even get five minutes' thinking time, because the motion is moved without any notice at all. Some may say that the nominations are cloaked in secrecy.

So the procedure is not transparent. However, I have to say that it has worked well in the past, and has delivered a number of excellent Deputy Speakers; I include the present incumbents in that description. However, I do think that it is now time to update our procedure to make it more transparent, and to give Members time to think about their choice.

I do not intend to dwell in detail on the proposals because, as the Deputy Leader of the House has made clear, the motion is an endorsement of principle. If the House supports the motion, it will have an opportunity to go into greater detail at a later date. The hon. Member for Croydon, Central (Mr. Pelling) mentioned term limits; I should tell him that all the motion does is authorise the Procedure Committee to give "consideration" to the introduction of term limits. If the motion passes, the matter will not be concluded one way or the other today. The motion asks, and authorises, the Procedure Committee to look into the matter and make recommendations to the House.

Today is not the day for detailed debate. The motion merely endorses the work we have done so far and authorises the Procedure Committee to continue. I would like to place on the record my thanks to all members of the Committee, of all parties, for the excellent work they have done so far. I support the motion, and urge the House to do so.

4.35 pm

Sir Peter Soulsby (Leicester, South) (Lab): As a member of the Procedure Committee, I follow its Chairman in welcoming the fact that the Government have laid this motion before us today. I welcome this opportunity for the House to endorse, as I hope it will, the Committee's proposals, enabling it to continue to examine the ways in which we can make a reality of the election of Deputy Speakers, following and building on the considerable success of the House's new procedures for the election of the Speaker.

In response to the comments of the hon. Member for Somerton and Frome (Mr. Heath), I re-emphasise that a number of rather difficult matters of detail remain before the Committee. It is important that we continue, as the Chairman said, to meet weekly to deal with those matters, and we hope to bring some satisfactory proposals before the House in the not too distant future.

Of course, this issue is not unrelated to those dealt with by the Wright Committee; indeed, the issue was before that Committee, which referred it to the Procedure Committee for its consideration. I hope the House has an early opportunity not only to debate the Wright Committee's recommendations, which need to be seen alongside those of the Procedure Committee, but to decide on them in a positive way.

4.36 pm

Peter Bottomley (Worthing, West) (Con): I am grateful to my right hon. Friend the Member for East Yorkshire (Mr. Knight), the Chairman of the Procedure Committee, for explaining the difference between the two parts of this process. The House will want to agree the specifics of the preparation of detailed proposals for the election of Deputy Speakers, and he is right to draw our attention to the fact that his Committee will be considering the introduction of term limits. My view is that that will be difficult to achieve successfully. I can see why it is in the interests of the House for there to be a voluntary change of Speaker. It should be in the middle of a Parliament, although I can see why a Speaker might say that it would be more convenient for a term to end at the end of a Parliament, so that the change of Speaker does not cause a by-election. There may be a way of resolving that that the Committee could consider. Generally, it is better to trust people's judgment.

My second caution is that although the question of having what is called gender balance has arisen in the Committee, I see no reason why, if this House is two-thirds male and one-third female, for example, we should not have two female Deputy Speakers and only one male Deputy Speaker. I see no problem with that. It would not be gender balance; it would be the consequence of the way people were chosen—or, under these proposals, elected. My gentle suggestion for the Committee to consider is that the first man and the first woman with the greatest number of votes could become Deputy Speakers, and that the third Deputy Speaker be the other candidate with the greatest number of votes, whether they get more or less than one of the other two. There are various ways of dealing with the matter, but having a rigid balance, or rigid proportions, strikes me as unnecessary.

The other issue in my mind—besides recognising, as others have, the dedication of those who serve as Deputy Speakers and Chairman of Ways and Means—is that the House has been very lucky with those who have been prepared to hold those posts. Each of those positions is a position of service, rather than of ambition. That is one of the things that make this House rather endearing, and rather more effective than if all of us tried to go for such positions because we thought we needed the prominence.

4.38 pm

Mr. Andrew Pelling (Croydon, Central) (Ind): I want to make just one brief point, which I hope will be listened to. We are accepting the principle of a more obvious democratic process—voting for Deputy Speakers—but I raise this one concern. It is difficult and dangerous to appear to be talking in this way about moving towards further democracy within the House, but I am concerned that the election of a Deputy Speaker could be used as a means of leverage—a means of punishment of, or expression of a lack of confidence in, a sitting Speaker. That is one possible danger.

Under the current process, although the appointment of Deputy Speakers is at the discretion of the House, they are very much part of a team. I can imagine that the stresses and strains of being part of a Speakership team are significant, and it is important not to get ourselves into a situation in which the House might elect a Deputy Speaker against the wishes of a Speaker with whom the House had fallen out.

Question put and agreed to.

Business without Debate

REGULATORY REFORM

Motion made, and Question put forthwith (Standing Order No. 18(1)),

That the draft Legislative Reform (Revocation of Prescribed Form of Penalty Notice for Disorderly Behaviour) Order 2009, which was laid before this House on 21 October, in the previous Session of Parliament, be approved.—*(Kerry McCarthy.)*

PETITION

Badman Report (Maldon and East Chelmsford)

4.40 pm

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): I wish to present a petition of behalf of Ms Katie Hiskett of Towers road, Heybridge and 26 other residents of my constituency. My constituents are extremely concerned about the recommendations of the Badman report and the impact that they will have on them and on others who wish to educate their children at home. The terms of this petition are similar to those of others that have been presented by many colleagues in the House, so I shall not read out the entire wording of the petition and shall merely say that I share the concern and support the petition.

Following is the full text of the petition:

[The Petition of persons resident in the Maldon and East Chelmsford parliamentary constituency,

Declares that they are concerned about the recommendations of the Badman Report, which suggests closer monitoring of home educators, including a compulsory annual registration scheme and right of access to people's homes for local authority officials; further declares that the Petitioners believe the recommendations are based on a review that was extremely rushed, failed to give due consideration to the evidence, failed to ensure that the data it collected were sufficiently robust, and failed to take proper account of the existing legislative framework.

The Petitioners therefore request that the House of Commons urges the Secretary of State for Children, Schools and Families either not to bring forward, or to withdraw, proposed legislative measures providing for tighter registration and monitoring of children educated at home in the absence of a thorough independent inquiry into the condition and future of elective home education in England; but instead to take the steps necessary to ensure that the existing Elective Home Education Guidelines for Local Authorities are properly implemented, learning from current best practice, in all local authorities in England.

And the Petitioners remain, etc.]

[P000693]

Faith Buildings

Motion made, and Question proposed, That this House do now adjourn.—*(Kerry McCarthy.)*

4.41 pm

Ms Sally Keeble (Northampton, North) (Lab): I am pleased to have the opportunity to debate this important subject, which has been a pressing one for people in my constituency for many years. I have pursued it through a number of different avenues, so it was with a sense of frustration that I sought this Adjournment debate. I did so because of the troubling difficulties in obtaining faith buildings in Northampton to serve our multi-faith community. This is an issue not only for Northampton, because faith communities in other parts of the country face similar difficulties in accessing sites and, in particular, obtaining planning consent. A simple search on the internet reveals a host of different disputes about planning applications for mosques, temples and a variety of other faith buildings.

In some areas, lessons have been learned and there is some good practice. For example, in Birmingham there are proposals for needs assessments of faith communities in the city as part of regeneration work, and one borough in London has a unit to help faith communities to resolve their different issues in getting access to buildings in which to worship. However, I must tell the House that in Northampton faith communities have faced continuing difficulties in obtaining buildings in which to worship, despite the growth of those communities and the constructive role that they have played in our town for a good number of years.

The town contains a substantial and extremely diverse Muslim community; people from different parts of the world have settled in the town and played an enormously supportive and constructive role. That community is undertaking its own census, but it is thought that the population is about 5,000 strong and it is hemmed in to two small house mosques—a converted and listed house, which I believe was the town's first mosque, and a converted service station. Although that is being redeveloped in a constructive way, with classrooms and different community facilities, and it is doing a good job, it remains at heart just a service station. It is located on quite a busy street and good relations have been built up with the neighbours, but the parking and street access is not ideal.

The town also contains two substantial and successful Hindu communities. One has a planning application pending on a site for a multi-purpose building with community uses, which in the long run would include some nursery provision and sheltered housing. That would be a big addition to the disadvantaged local community but the planning application has run into difficulties, not least as objections have been made because bats apparently fly across the site.

There is also a small but very active Sikh community that has long since outgrown its premises, which are down a side street in quite a run-down part of town. It wanted to buy part of a former school site for a very inspiring multi-faith and community centre. The county council, which owns the site, would not deal with the community or with me, and referred the matter on to the estate agents, who, after initially saying that they did not have a mandate to subdivide the site, referred the matter on to the property developer who had by then bought the site, who put the price up to such an exorbitant level that the community felt that it could not really proceed. Given that the application from the Sikh community was very much in line with the needs of the wider community of the town and would also bring benefits to quite a disadvantaged area, the county council's actions were at least questionable under the Race Relations (Amendment) Act 2000.

It has been very impressive to see the way in which the different communities—I have listed just a few of them and set out some of the problems that they have experienced—have been prepared to jump over all the hurdles that have been put in their way. They have been very constructive in engaging with the local authorities and the development corporation to try to promote good relations and a good understanding between all sections of society and to work for the common good. Some have also joined together to work on joint projects. All the plans that they have put forward that I have seen include making available significant resources for local communities. The proposals have been outward looking, not inward looking.

Some years ago, because of all the difficulties, I contacted a former Secretary of State for Communities and Local Government to ask for some duty to be put on local planning authorities to assess the needs of different faith communities when drawing up local plans for their areas. That was obviously particularly relevant for growth areas such as Northampton, which is part of the Milton Keynes and south midlands growth area. There is a real opportunity to get things right from the beginning in such communities by ensuring that there is an understanding of the needs of the existing community and of the areas from which people are likely to come into town, and that in the planning of an urban area proper provision is made for faith buildings that will meet the needs of a multi-faith society.

I was pointed in the direction of planning policy guidance note 12, which states that the diocesan board of the Church of England should be consulted about development plans and also refers to the needs of faith communities. As I recall, about half a sentence was devoted to the assessment of the needs of faith communities. This was the slightest reference that could conceivably have been given to faith communities—just enough to tick the "Done" box, but not enough to make any difference. Quite soon after that, PPG12 was replaced by planning policy statement 12, and any reference to faith communities completely disappeared. I have trawled through PPS12 several times and I have also asked the House of Commons Library to see whether it can find any reference in any of the planning guidance to the needs of faith communities. The Library says that it has not been able to find anything at all, and neither have I.

Some of the guidance in "Creating Strong, Safe and Prosperous Communities" says that faith groups should be key and respected partners of the local authority. That seems to me to be a way of paying lip service to the importance of faith communities without ensuring that they have the one thing that faith communities want—a place, with facilities, in which to worship.

Mr. Andrew Pelling (Croydon, Central) (Ind): I congratulate the hon. Lady on securing this important debate. Will she allow me briefly to give some perceptions from Croydon, an authority which supports faith communities in finding premises? There are some good examples of the benefits of local authorities playing such a role. An attractive church in Croydon is now used by the Jain community. Unfortunately, there are also examples of important faith communities, which can build strong communities, not being well cared for. Black churches end up in industrial buildings or find themselves being heavily opposed, as happened in Bromley in the neighbouring constituency, when a black church moved into an old cinema in Upper Norwood. Finally, the Shi'a community in Croydon finds itself without any faith building. It is important to support the various Muslim communities in times of great stress within society and show how well we respect different faiths.

Ms Keeble: I entirely agree with the hon. Gentleman's point. He illustrates why I sought this Adjournment debate. Society has changed substantially. With an established Church and a range of different faiths, we need to ensure that the needs of all the faiths are respected, not by providing handouts, but by making sure that difficult issues are managed properly, recognising that there are disputes between faiths sometimes and that there are different expressions of the same faith. We cannot say that there is one Muslim community so it needs only one mosque. There are different patterns of worship and different ways in which people want to express their faith.

The hon. Gentleman is right to say that for some communities, starting off in an old building and converting it may be adequate. One of the mosques in Northampton started off in a house which is listed. The community has long since outgrown it and, partly because the building is listed, there is nothing much that anyone can do with it. We should recognise that as faiths become more established and grow in numbers, the community will want to move somewhere else. One that starts in a back street might want a different type of building, and one that starts on an industrial estate might find that that is not an appropriate place and want to find somewhere else.

It is important that the local authority has ways to manage that. There is some good practice around the country, which the Government could examine and build on so that we ensure that people who come to this country and who bring with them their faith and their set of beliefs find that that aspect of their culture is respected and given its due place. Faith is an essential part of any community—an expression of its beliefs and values. I do not see how faith communities can be respected, as the guidance recommends, without ensuring that they are able to buy or build the facilities that they need for the pursuit and expression of their faith.

Let me give an example, which taught me many years ago about the importance of faith buildings. When I was a newspaper reporter in South Africa, I went to Ladysmith in KwaZulu Natal to meet a mosque builder. He was born in India and as a boy worked for a mosque builder there. He came to South Africa as an indentured labourer to work in the sugarcane fields of KwaZulu Natal. Years went by, and when the Indian community in the area became more established, its members wanted a mosque. Because of apartheid, they could not go abroad to find someone to design it. The man came forward and said that he had worked as a mosque builder as a boy, and he could still remember the designs for the mosque. He drew them, and from those plans the beautiful mosque in Ladysmith was built. Indeed, he went on to build others throughout the country. The old man was a contemporary of Mahatma Gandhi; he worked with him, and he had been banned by the apartheid regime. When I met him, he was very old and almost completely blind, but he had left a wonderful legacy of amazing buildings that celebrated his faith and were a focal point of the community. I do not understand how, in the middle of apartheid South Africa, the Muslim community could manage to build that absolutely beautiful mosque, yet in tolerant, multiracial Britain my constituents have to worship in a converted service station or in a listed building, which is probably a fire risk when crowded out, as it so often is, during Friday prayers.

The problem is not due to a lack of money, because nobody is asking for any handouts and, as the hon. Member for Croydon, Central (Mr. Pelling) knows, the communities are all more than capable of raising money to construct such buildings. It is due to bureaucratic inertia, a lack of relevant guidance and procedures and a failure to understand the importance to faith communities of somewhere to worship. Our country has a great and historic legacy of cathedrals and other buildings that celebrate our faith. There have also been battles over the years for chapels and other Christian buildings. They are as important as the greatest cathedrals not only for tourism and worship, but for making a statement about large sections of our society. Unfortunately, however, we do not do the same for the other faiths that now make up our society.

There are funding issues, but I do not want to get into them. Religions do not qualify as charities, so they cannot access the same funding as voluntary organisations, which can register as charities. Although religious organisations and faiths can access charity funding for the non-religious parts of their buildings, such as any community or educational facilities that are attached to their place of worship, the point still remains that, for a faith, the key aspect is the ability to worship. There is a difficult issue about funding, however, and that merits further consideration.

My real request is for the Government to include in their guidance on local spatial planning a requirement for local authorities to assess the needs of religious or faith communities, and to ensure that relevant provisions are made to meet those spatial requirements. That includes proper funeral and burial arrangements. It is impossible to dictate what kind of building goes where, but I have listed a few examples of buildings, and the hon. Gentleman listed in his own area several that would meet the needs of different groups, including the number and type of mosques. However, space needs to be allocated, and faith communities need to be engaged in a process so that they can make the best and most appropriate use of those spaces. They also need to be assured that their contribution to community cohesion will be properly recognised in the planning process.

It seems complete nonsense that a former school site, which is therefore in public ownership, having been used for public service, should be sold to a property developer on which to make a profit, while a faith community, which would have provided social cohesion and facilities for a disadvantaged local community,

[Ms Keeble]

should be denied the chance even to try to buy a small fraction of it. Particularly in growing towns like Northampton, there is an opportunity to get things right. We must ensure that as local authorities and development corporations plan the schools, hospitals and infrastructure that they need, they recognise not only that people bring along their faiths and their belief systems, which are an important part of their community, but that those needs, as well as people's educational, health and other social needs, must be met.

The former half-sentence included in PPG12 was certainly inadequate, but that half a sentence was better than nothing. I was extremely sorry that the already small recognition in the planning system of the needs of faith communities was completely deleted when PPG12 was cancelled. I was also sorry that when the Department was approached, rather than the requirement being built up, it was just deleted.

The Government do not need to go out to huge consultation before drawing up some guidelines, which I hope they will do as a result of this debate. They should make a commitment to include in the planning guidance a requirement for local planning authorities, in undertaking development plans for the spatial needs of urban areas, to be obliged to assess the needs of the faith communities and to make proper provision in those plans for those needs. Authorities should be required to have a proper structure in place and to undertake proper consultation with the faith communities. The Race Relations (Amendment) Act 2000 provides an example. Proper recognition could be made of the real contribution of faith communities to the material benefit of local communities. This should be properly recognised, progressed and protected.

I cannot tell my hon. Friend the Minister how important this is for the communities that have played such an active role in Northampton, and I am sure that the same applies to other towns throughout the country, which so far have not been able, despite their best and most strenuous efforts, to get what they perhaps want most of all—a place where they can meet as a community and worship. They need a proper landmark and tribute paid within their towns to the beliefs that they hold dear and that define their community.

5.3 pm

The Parliamentary Secretary, Office of the Leader of the House of Commons (Barbara Keeley): I hope that any hon. Members present and yourself, Mr. Deputy Speaker, will not see me as a poor substitute for a Department for Communities and Local Government Minister; I shall try to do my best. I thank my hon. Friend the Member for Northampton, North (Ms Keeble) for introducing this debate on faith buildings. I did not originally intend to be here, but I have found the debate to be fascinating. The issues posed crop up in many inner-city areas—mine as much as my hon. Friend's and others—so we need to look at them. My hon. Friend and the hon. Member for Croydon, Central (Mr. Pelling), who contributed in an intervention, have raised the key issues.

The DCLG Minister was going to touch on the fact that this debate provides a rare opportunity to look at the issue of buildings owned or used by faith communities. In our short debate, we have considered the question of the interaction of faith groups with the planning system, and found it wanting. My hon. Friend made key points about that.

It might help if I refer to some of the points that the DCLG Minister would have made in the debate. In terms of the bigger picture, the Government ask local authorities to show civic leadership in how they look at such issues. Local authorities are encouraged to create visions for their community; they are the bodies that can tackle the issues raised.

My hon. Friend touched on planning policy statement 12, which is entitled "Creating strong, safe and prosperous communities through local spatial planning". She rightly said that access to an appropriate building for a new faith community or one that is in the process of becoming established is a key issue that every local authority should address. Perhaps one of the places in which it should be addressed is the local strategic partnership. Those partnerships are meant to bring together the public, private and third sectors, and to co-ordinate the contribution that each can make.

Ms Keeble: My hon. Friend is not in any way a poor substitute; she knows a lot about planning. However, P[illegible]2 contains nothing at all about faith communities. [illegible] absolutely right that there should be debates in the local strategic partnerships and elsewhere, but I have found that that is all that happens. There have been lots of debates in the development corporation, for example, but we need action. There should be a statutory duty in the planning process to consider and to provide for the needs of faith communities. There must be a clear requirement in the process that those needs be considered and dealt with.

Barbara Keeley: Those points have been strongly made, and I will ensure that DCLG Ministers take them on board.

It is clear that, even as the planning policy structures stand, they should be taking into account issues such as access for faith communities to land and buildings to allow them to follow their faith according to whatever form of witness they decide to adopt. There should be provision for places of worship, just as there is for child care, play and all the other things that are taken into account alongside the obvious factors such as industry, employment and the more standard parts of the national planning policy. The planning process is not meant to be one-size-fits-all, but local authorities—county and city councils—should be taking account of the needs of their own communities.

Mr. Pelling: Perhaps it is relevant that we are debating this on the night of Epiphany. I know that that is meant to be about the journey of the three wise men, but I can definitely see three wise women on the Labour Benches. I very much want to support what the Minister says. When members of communities such as the Shi'a community in Croydon have to move from one person's home to another to pray, it means that a great deal of the voluntary support that exists in the community is not delivered as well as it could be were there a place of worship in which they could base their community activities. The Minister makes an important point.

Barbara Keeley: I thank the hon. Gentleman for that intervention.

The notes for the Minister's speech refer to various aspects of planning controls. I remember that when I was an elected member of local government and responsible for a town centre, I found dealing with planning controls to be one of the most frustrating aspects of that role. We constantly found ourselves battling with the system. Whatever the law says, it tends to be the planning officers who have a great deal of say over such matters.

Whether the existing law is helpful or not, it says that buildings such as schools and public halls should be able to be turned into places of worship, just as they can be turned into day centres, crèches, health centres or whatever. My hon. Friend highlighted a key aspect of the issue when she described the wider benefit of those measures to community cohesion. I recently attended the opening of a new building for the Methodist community in Boothstown in my constituency. It will be a genuinely multi-use building. In fact, funding was obtained for it on the basis that it would not just be a place of worship—useful though that is—but double up as a resource that would be of considerable benefit to the wider community. That was absolutely key. If that point is not getting across to the local authority in my hon. Friend's constituency, it should be. Her point is well made, because faith communities are not only providers of sacred and secular space for people, but a key resource in communities, particularly for newly arrived communities or communities that are working to establish themselves.

There have been publications recently on faith buildings, but the key thing is to take away the very strong point that in PPS12, we appear to have guidance that does not recognise, in even half a sentence, the need for regeneration bodies or other partnership bodies to take into account the needs of faith communities. We have heard some excellent examples in the debate of where PPS12 is falling down, and we should take my hon. Friend's points back to the Department.

Ms Keeble: I understand that my hon. Friend is in quite a difficult position because she is not a DCLG Minister. In her capacity as Deputy Leader of the House, could she, as a way forward, facilitate a meeting in that Department—perhaps the hon. Gentleman would like to be party to it—to look both at the possibility of producing some appropriate guidance that would recognise this issue and at the need for strong guidance for local authorities, drawing on the good practice that already exists in some areas?

Barbara Keeley: Yes, indeed. My local authority is currently going through its strategic planning phase, as are many local authorities—I do not know whether my hon. Friend's local authority is doing so. My local authority is considering strategic planning up to 2026. That process, as well as the normal day-to-day planning applications to which she referred, is key. There is an indication that there is a very substantial gap or lacuna in the planning process. If my hon. Friend and the hon. Gentleman can cite examples where the guidance is not working at local level, it behoves the Department to start thinking about whether a duty should be placed on local councils to consider such things.

The situation is that it will be inappropriate to carry on using converted service stations, disused cinemas or that type of building, and the new faith communities, as they settle, will not continue to be prepared to use them. It is true that we have some wonderful church buildings in our communities—there are some wonderful old churches in my constituency—but more newly arrived faith communities deserve buildings that are useful for purpose, too.

I do not think that the Minister would have offered anything specific if he had responded to the debate, so my hon. Friend makes a very sensible suggestion. I am quite prepared, as if this were a pre-recess Adjournment debate, to take her point away and to facilitate a meeting for her.

Question put and agreed to.

5.13 pm

House adjourned.

House of Commons

Thursday 7 January 2010

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

CANTERBURY CITY COUNCIL BILL

Motion made, That the Bill be now read the Third time.

Hon. Members: Object.

Bill to be read the Third time on Thursday 14 January at Three o'clock.

NOTTINGHAM CITY COUNCIL BILL

Motion made, That the Bill be now read the Third time.

Hon. Members: Object.

Bill to be read the Third time on Thursday 14 January at Three o'clock.

BOURNEMOUTH BOROUGH COUNCIL BILL [*LORDS*]

Motion made, That the Bill, as amended, be now considered.

Hon. Members: Object.

Bill to be considered on Thursday 14 January.

MANCHESTER CITY COUNCIL BILL [*LORDS*]

Motion made, That the Bill, as amended, be now considered.

Hon. Members: Object.

Bill to be considered on Thursday 14 January.

LEEDS CITY COUNCIL BILL (*BY ORDER*)

Motion made, That the Bill, as amended, be now considered.

Hon. Members: Object.

Bill to be considered on Thursday 14 January.

READING BOROUGH COUNCIL BILL (*BY ORDER*)

Motion made, That the Bill, as amended, be now considered.

Hon. Members: Object.

Bill to be considered on Thursday 14 January.

Oral Answers to Questions

ENERGY AND CLIMATE CHANGE

The Secretary of State was asked—

Greenhouse Gas Emissions (Aircraft)

1. **Mr. Graham Allen** (Nottingham, North) (Lab): Whether his Department has made an assessment of the effects on greenhouse gas emissions of the temporary grounding of aircraft following the terrorist attacks in New York and Washington DC on 11 September 2001. [308886]

The Minister of State, Department of Energy and Climate Change (Joan Ruddock): The Department has not made an assessment of the effects on greenhouse gas emissions of the temporary grounding of aircraft following the terrorist attacks in New York and Washington DC on 11 September 2001.

Mr. Allen: When all air traffic in the western world was grounded after the 9/11 incident, within three days the global temperature change was 1°, and when traffic resumed it went back by 1°. Is not that a very significant scientific statement? Will my hon. Friend ensure that the Department looks into why this happened, and the impact that it should have on our future policies? I asked this question of her predecessor five years ago, and I would appreciate an answer.

Joan Ruddock: I am grateful to my hon. Friend—and it has not taken me five years to dream up an answer. First, this is not a question of greenhouse gases. The scientific interest that followed the grounding of the aircraft was do with the issue of contrails, which are the evaporation and condensation trails emitted by aircraft. We do not know the science of contrails very clearly, but there are two possible effects: first, that they reflect radiation back beyond the earth, and therefore have a cooling effect—or, secondly, that they become cirrus clouds and trap radiation, and therefore have a warming effect. The phenomenon that was observed was thought possibly to be due to the absence of contrails leading to a heating effect. However, the Department has followed subsequent studies, and we now believe that there is no evidence that contrails, or the lack of them, were responsible for the temperature rise observed at the time, and that it was a natural fluctuation.

Carbon Capture and Storage

2. **Michael Fabricant** (Lichfield) (Con): What his most recent assessment is of progress in the competition to build a commercial scale carbon capture and storage power plant in the UK; and if he will make a statement. [308887]

The Secretary of State for Energy and Climate Change (Edward Miliband): We are currently evaluating two bids to select, which will receive funding from the £90 million set aside for the front-end engineering and design stage, with the result to be announced shortly. This is one of the four demonstration projects to which we are committed, funded by the levy for carbon capture and storage under the Energy Bill, which will ensure the largest investment in CCS of any country in the world.

Michael Fabricant: I am grateful to the Secretary of State for his answer. He recognises, as does the whole House, the importance of this work in creating jobs, apart from anything else. However, he will also know that we have fallen behind China, Australia, Canada, Germany, Norway and Belgium because we have been so late in developing this technology. When are we going to start doing something?

Edward Miliband: This is a line that the Opposition like to peddle, but it is absolutely untrue. One need only look at what has happened since 2007. We have had the pre-qualification phase and the application phase for these projects. Hundreds of pages of applications have come into our Department and are being scrutinised, as one would expect in any procurement project. We have a CCS levy before this House; we have agreement in Europe for up to 12 demonstration projects, pushed by the United Kingdom; we have a commitment in this country to four demonstration projects, which we have not had before; and we have legislation in the Energy Bill for the storage of carbon dioxide from CCS projects. We are making progress. Indeed, there is as yet no post-combustion project in the world on the scale that we are talking about in this country.

Paddy Tipping (Sherwood) (Lab): The Secretary of State will know that burning coal cleanly is important both in his constituency and in mine. He will also know that there are plans to extend that process at Harworth colliery, but a loan from the European Investment Bank cannot be made until a guarantee of clean coal technology is available for that coal. What can he do to help the men at Harworth?

Edward Miliband: As my hon. Friend will be aware, we have been in touch with the European Investment Bank and continue to have dialogue with it about these matters, including the specific issue that he mentions. As we look forward to carbon capture and storage in this country, it is important to say that there is also a role for indigenous coal. My Department is very clear about that, and we do all we can, working with others, to support that process.

Charles Hendry (Wealden) (Con): The Secretary of State's fellow Ministers have heard the evidence given to the Public Bill Committee on the Energy Bill this week, with people describing the need for regulatory certainty if we are going to get investment in this new technology. Industry and environmental groups all agree that the terms for investment must be set for decades, not just the next few years, so will the Secretary of State agree that the Government should now take powers to set an emissions performance standard for a maximum level of emissions for new fossil fuel plant, as proposed by ourselves, the Liberal Democrats, many of his own parliamentary colleagues and many outside, to provide that regulatory certainty and show a real commitment to a low-carbon economy?

Edward Miliband: Obviously, we will look at any proposals that come forward, but I say to the hon. Gentleman—perhaps he has not followed the matter as closely as he might have done—that we have unveiled the most environmentally stringent conditions for new coal-fired power stations of any country in the world. We consulted on them and we have now put them into national policy statements. The proposals have been widely welcomed, both by the green groups that he mentions and by energy companies, as striking the right balance. A plant-level emissions standard could also have a role. As I understand it, the Environment Agency already has powers to introduce one, but we will examine any proposals that come forward.

Dr. Brian Iddon (Bolton, South-East) (Lab): Does my right hon. Friend agree that pre-combustion carbon capture has the advantage of producing chemicals, especially hydrogen, and that we ought to encourage commercial interests in that area as well as in post-combustion carbon capture? Has he had any negotiations with BP, which pulled out of the Peterhead experiment?

Edward Miliband: I think I am right in saying that the Peterhead proposal was for a gas-fired power station. Our concentration in spending significant amounts of money has been on coal-fired power stations. However, my hon. Friend is right to say that pre-combustion has an important role. We have said that of the four demonstration projects up to two will be pre-combustion, precisely because we recognise the importance of that technology. It is important to say that as we spend a significant sum on carbon capture and storage—as I said, it is the largest sum spent by any country in the world—we need to test all the technologies to drive it forward, including pre-combustion.

Mr. Mike Weir (Angus) (SNP): In evidence to the Public Bill Committee on the Energy Bill, some witnesses have suggested that the 2014 target of having a demonstrator up and working is just one of the conditions and may be allowed to slip. Can the Secretary of State assure us that it will be a principal condition that the demonstrator must be up and working by 2014?

Edward Miliband: As I think I have said in previous answers on this matter, that was set out as one of the conditions for the demonstration project and remains one of the conditions, and we are certainly considering that closely as we consider the bids that have been put forward.

Fuel Inefficiency

3. **Danny Alexander** (Inverness, Nairn, Badenoch and Strathspey) (LD): What recent assessment he has made of the contribution of fuel inefficiency to fuel poverty. [308889]

The Secretary of State for Energy and Climate Change (Edward Miliband): Fuel poverty is caused by three factors: incomes, prices and household energy efficiency. We are acting on all three, including through higher winter fuel and cold weather payments this winter, and through compulsory help with bills for the most vulnerable, which is being legislated for in the current Energy Bill. In the pre-Budget report, an extra £150 million was provided for the Warm Front programme next year, building on the 2 million households helped in the last decade.

Danny Alexander: I am grateful to the Secretary of State for that answer, but he will know that, especially in cold spells such as the recent one, it is those in the most energy-inefficient homes, which tend to be the hardest to treat, and those who use expensive sources of heating off the gas grid such as heating oil and liquefied petroleum gas, who suffer most. Despite the warm words about such homes and about the people who use those energy sources, precious little has been done to warm them up. They tend to come at the end of the queue. What can the right hon. Gentleman say to assure me that in future, people in hard-to-treat homes off the gas grid will come at the front of the queue?

Edward Miliband: I recognise that that is an issue to consider throughout the country, including in the hon. Gentleman's constituency, and I shall try to explain our strategy to him. First, we have said that social price support will be focused on electricity bills, to ensure that everyone gets the benefit of it, not just those on the gas grid. Secondly, we have recently increased the amount that poor households off the gas grid can get under Warm Front to a £6,000 maximum grant for oil-based or renewable heating systems. Thirdly, the renewable heat incentive is being introduced, precisely to encourage the take-up of different forms of heating by those who are not on the gas grid, and fourthly, the community energy-saving programme will work in rural areas to see what can be done to provide whole-house efficiency. There is more that we can do, but we are trying to make a difference to the households that are difficult to reach.

Mr. David Drew (Stroud) (Lab/Co-op): Will my right hon. Friend say something about the current Warm Front funding, and how long it is taking individual households, particularly those that do not have central heating or whose boilers have been condemned, to get action? There seems to be some concern that it is taking up to six months. In this weather, that is six months too long.

Edward Miliband: My hon. Friend asks an important question. The amount of money allocated to the Warm Front programme was due to fall next year. Thanks to the Chancellor—in tough times—making the decision to allocate another £150 million to it, the amount of Warm Front money will be significantly enhanced next year. That should help with some of the queuing issues to which my hon. Friend refers. Warm Front is a very popular programme—lots of households want to take advantage of it—and it is good that the Chancellor recognises both its importance and its success, and has provided more resources for it.

Simon Hughes (North Southwark and Bermondsey) (LD): Now that we have reached the 13th, and coldest, winter of this Labour Government, what excuse is there for the fact that according to Government figures, only one in 100 British households is properly insulated, when lack of insulation is the biggest contributor to fuel poverty in this country?

Edward Miliband: It is characteristic of the Liberal Democrats to blame the Government for the weather. On the hon. Gentleman's serious question about energy efficiency and insulation, there is more to do, but it is important to point out that under our programmes, 1.5 million homes a year are being insulated and getting the help they need. The Warm Front programme, which did not exist before, has helped 2 million homes since its inception. There is more to do. That is why we are planning a decade-long improvement in energy efficiency, including a pay-as-you-save mechanism, to make it possible to do more.

Simon Hughes: The Secretary of State has given us a piecemeal answer to a much bigger question. Before his Government are frozen out by the electorate, is he willing to commit himself today to a national 10-year warm home programme and to support the amendment to the Energy Bill that my hon. Friends and I have tabled, which would mean that the programme could start this year?

Edward Miliband: I will look at the amendment—but the last Bill that came forward from the Liberal Democrats was an uncosted shopping list, with no basis for paying for it. That is a luxury of opposition but not a luxury of government. We are planning, and I can commit to, a national energy programme over the next 10 years. We are consulting on it, and will have more to say about it in the coming weeks.

Derek Twigg (Halton) (Lab): Ofgem, the regulator, has a very important role in reducing fuel poverty, but the Public Bill Committee on the Energy Bill has just heard evidence that it does not necessarily have the confidence to know legally when it can intervene to force companies to do more. Will my right hon. Friend comment on that, and say how the Energy Bill will help to make it clear to Ofgem what responsibilities it has to help people?

Edward Miliband: I look forward to reading the report of proceedings in the Energy Bill Committee—it sounds as if many interesting things were said. One purpose of the Bill is precisely to strengthen Ofgem's powers in a number of respects and to make it a more proactive regulator—a regulator that not only relies on competition to help consumers, but realises that it has a duty to be proactive on their behalf. It has done more of that in the past year, including taking action on prepayment meters and other issues, but I am sure there is more to do.

Greg Clark (Tunbridge Wells) (Con): Has the Secretary of State read the report on fuel poverty published in 2008 by the Select Committee on Business and Enterprise? It said that to keep fuel affordable, increasing gas storage

> "is now an issue of national importance and should be a high priority in domestic energy policy."

What increase in storage capacity has there been since then?

Edward Miliband: More gas storage is coming on line, including the Aldbrough gas storage project, which recently completed its first phase. The hon. Gentleman is going around saying that gas storage is a big problem for the UK and citing figures, but National Grid is quoted in the papers this morning as saying that his figures are meaningless, because they ignore the role of the North sea, which provides 50 per cent. of our gas storage, and the role of UK import capacity.

Greg Clark: The Secretary of State should listen to the Select Committee and note that North sea production is in decline, and he should listen to Lord Hunt of Kings Heath, his junior Minister, who said that the new storage capacity opened in the past year has been the equivalent of five hours' worth—which is about as much time as it takes the Secretary of State to decide whether or not to back the Prime Minister. Gas storage helps to offset fuel poverty by allowing us to buy supplies when they are cheap in the summer, to be used in the winter. Is he aware that if we had had just half of France's storage capacity, British consumers could be paying £1 billion less for their gas this winter? What is his policy on how much gas storage is needed?

Edward Miliband: We need more gas storage, and there are more projects planned. The hon. Gentleman has cited figures for gas storage, but *The Independent* this morning says that

> "the National Grid dismissed the calculation as a 'meaningless number' because it ignored both the amount of gas imported and that nearly half of UK demand is met by North Sea production."

We do need more gas storage, but it is worth saying that at the beginning of this week gas storage was 80 per cent. full in the UK. The hon. Gentleman claims that gas storage is somehow an issue in this cold weather, but he knows that that is complete nonsense.

Greg Clark: Is it not clear that when fuel poverty is soaring, we have too little gas storage capacity, and the Government have said that they expect power cuts by 2017, they are—in this winter of discontent with, and within, the Government—taking us back, with every day that goes by, to a world that we thought we had left behind in the 1970s?

Edward Miliband: I do not know whether that was a question, a statement or something that the hon. Gentleman prepared in front of the mirror this morning. Frankly, he will have to do better. Playing politics with energy security and gas storage, and alarming people, is the wrong thing to do.

Fuel Poverty

4. **Tony Baldry** (Banbury) (Con): How many households in the UK were in fuel poverty in (a) 2003 and (b) 2009. [308890]

5. **John Penrose** (Weston-super-Mare) (Con): How many households in the UK were in fuel poverty in (a) 2003 and (b) 2009. [308891]

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney): The current exceptionally cold weather causes us all concern for the well-being of all households in fuel poverty. The Department for Work and Pensions makes cold weather payments as a contribution towards extra heating costs during a week of very cold weather in the area in which an eligible customer lives. This winter the number of cold weather payments made is estimated to be worth £185 million. Payments are made automatically, but if anyone has questions about the help available to them, they can access information on the directgov website—or if they do not have access to, or the inclination to use, the internet, they can always ask their Member of Parliament.

The estimated number of households in fuel poverty in the UK was around 2 million in 2003. The latest year for which figures are available is 2007, and they show that there were then around 4 million fuel-poor households in the UK.

Tony Baldry: I thank the Minister for that statement. My understanding is that last winter more than 5 million families were in fuel poverty. The Government have a statutory target to eradicate fuel poverty in vulnerable households by 2010. Will they meet that target?

Mr. Kidney: It is very frustrating to me that the figures for fuel poverty are two-years-old, so the figure that the hon. Gentleman gives is an estimate. There is no doubt that rising fuel prices between 2004 and 2008 have caused us great difficulty in meeting that target, but I have not given up trying to meet it. All our efforts are directed towards eradicating fuel poverty, as we are indeed required to do.

John Penrose: Will the Minister accept that during one of the worst cold snaps for years, when vulnerable people such as pensioners in my constituency and elsewhere are struggling to keep their homes warm, it is especially important that consumers can switch to the cheapest available energy tariff offered by their supplier? Does he therefore agree that energy companies should be obliged to publish information on each customer's bill showing whether they would be better off on an alternative scheme?

Mr. Kidney: I completely agree with the hon. Gentleman, and it is the Government's policy to encourage people to study the market and switch if possible. There is a new licence condition applying to every supplier from this month, requiring them to deliver to their customers an annual statement that includes information about their ability to switch and advice on how to do so. By the end of this year, every customer should have received the first of those statements.

Mr. Mark Todd (South Derbyshire) (Lab): May I draw the Minister's attention to the needs, in this weather, of those who live in mobile homes, many of whom are on low incomes? They have a very limited choice of energy supply, and also lack options for additional insulation to improve the efficiency of their homes. I have raised this issue before, and the Government have so far done very little to assist that group of consumers to reduce the proportion of their income spent on energy bills. Is there anything that he can do now?

Mr. Kidney: My hon. Friend has indeed been persistent in pursuing this issue, and I am pleased to say that in response to his pressure, the Department has agreed that it wants to pilot some schemes for delivering greater energy efficiency measures to park homes. I am not in a position to announce at the Dispatch Box today what the schemes will be, but I will be able to do so shortly.

Severn Barrage

6. **Alun Michael** (Cardiff, South and Penarth) (Lab/Co-op): What recent assessment he has made of progress on a decision on an option for the construction of a Severn barrage. [308892]

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney): The Government are currently carrying out a feasibility study to decide whether we could support a Severn tidal scheme, and if so, on what terms. All the evidence gathered will be published alongside a second public consultation, which is expected to be held later this year.

Alun Michael: I am grateful to my hon. Friend for that reply. This is an enormously exciting, but also enormously challenging, project: it has the potential to make a major contribution to the UK's renewable energy needs, but is complex in both engineering and environmental terms. As well as providing the public information that he mentioned, will he agree to draw together Members of Parliament on both sides of the Severn estuary so that we can be involved in an interim process and understand how the Government are taking the project forward?

Mr. Kidney: My right hon. Friend is right to say that there are great potential gains to be made from generating renewable energy from a barrier or similar scheme on the Severn. On the other hand, however, there are international and national nature conservation and biodiversity issues that also have to be considered. My noble Friend Lord Hunt, my fellow Energy Minister, recently wrote to all hon. Members updating them on the process and expressing a willingness to hold the sort of meeting that my right hon. Friend has just suggested. My noble Friend and I remain perfectly willing to meet Members of Parliament to update them on the scheme.

Mr. David Heathcoat-Amory (Wells) (Con): Could the study that the Minister mentioned cover the need for a grid connection for the Severn barrage project? At present, the National Grid wants to put in a new line of pylons across the Somerset levels, which will also affect the constituency of my hon. Friend the Member for Weston-super-Mare (John Penrose). That is controversial, and we oppose it. It would make sense to go for a submarine cable to take the energy away from Hinkley. That could be done as part of the study for the Severn barrage.

Mr. Kidney: I have heard the right hon. Gentleman make that point on behalf of his constituents before, and I congratulate him on his persistence and ingenuity in working it into the question before us. I assure him that every aspect of the development is being considered in the feasibility study, so my answer to his question is yes.

Copenhagen Conference

7. **Sir Peter Soulsby** (Leicester, South) (Lab): What steps his Department is taking to tackle climate change following the outcome of the United Nations climate change conference in Copenhagen; and if he will make a statement. [illegible]

The Secretary of State for Energy and Climate Change (Edward Miliband): Despite the disappointment that Copenhagen did not succeed in the way we had hoped, we are determined to work with our international partners to build on the achievements of the Copenhagen accord, agreed to by representatives of 49 developing and developed countries. In particular, we will work with others to ensure that the deepest possible cuts in emissions are made, that we deliver on the financial promises made to the developing world, and that we redouble our efforts to secure a comprehensive, legally binding framework.

Sir Peter Soulsby: I thank the Secretary of State for that reply, and congratulate him and the Prime Minister on the part that they played in getting as far in Copenhagen as was achieved. However, will he comment on the impression that the problems in Copenhagen were at least as much those of the decision-making process as they were matters of substance? Will he say what action the Government are taking to try to reform the decision-making process to ensure that the frustrations of Copenhagen are not repeated in the future?

Edward Miliband: My hon. Friend draws our attention to an important issue that I talked about a bit in my statement on Tuesday. The process was unsatisfactory. I have talked to the executive secretary of the UN framework convention about how we can reform that process, and I am pleased that the UN Secretary-General, Ban Ki-moon, has said that he too will think about how the process can be reformed. We must ensure that we do not have a repeat of the process problems at Copenhagen, which obscured any differences over substance and prevented proper discussion of them. I think that the process needs to be reformed, and I think that that will happen.

Gregory Barker (Bexhill and Battle) (Con): Despite the disappointment of Copenhagen, there are still many practical things that we could and should be doing at home—on rain forests, for example. We will never halt their destruction if we do not choke off demand for illegal timber. Unlike the Prime Minister's approach, an Act to halt the import of such timber by making it a criminal offence to sell it here in the UK would command widespread support on the Labour Benches, as well as on ours. So will the Secretary of State support an Act to make the sale of illegal timber a criminal offence? If he does not act, a new Conservative Government will.

Edward Miliband: We now see the Conservative party trying to play politics with international climate change—exactly what happened on Tuesday, in response to my statement—which is deeply regrettable. We are working in the European Union to deal with the problem of illegal logging, but we will also look at any other proposal that is put forward.

Colin Challen (Morley and Rothwell) (Lab): I welcome my right hon. Friend's statement this morning that we should redouble our efforts following Copenhagen and not throw our hands up in despair, even though the result was depressing. Will the Government be pressing to go ahead with the EU's higher than intended carbon emissions savings budget, and will he ask the Committee on Climate Change to review as a matter of urgency the costs of doing so?

Edward Miliband: My hon. Friend draws attention to an important issue. Over the coming months we will need to work to use the EU's commitment to move from 20 to 30 per cent., to lever in higher ambition from others. The commitment that the EU has made is an important one. I will be working intensively in the coming weeks, before the 31 January deadline for commitments to be lodged in the Copenhagen accord, to see how far we can get in Europe on that commitment. We have existing advice from the Climate Change Committee on the costs and benefits of moving to a higher figure—and in fact, as a result of the recession, the costs of doing so have fallen.

Tidal Energy

8. **Dr. John Pugh** (Southport) (LD): What recent progress has been made on developing tidal energy schemes; and if he will make a statement. [308894]

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney): A lot of progress has been made on developing tidal energy schemes. The Crown Estate leasing round for the Pentland firth is on course, and we expect the Crown Estate to announce the successful bidders by the end of March. There are three feasibility studies for tidal range projects currently under way, for the Severn, the Mersey and the Solway firth. Officials have now received the final report on the screening study for marine energy development in English and Welsh waters, which will inform Ministers' decisions on whether to proceed with a strategic environmental assessment for English and Welsh waters.

Dr. Pugh: I thank the Minister for that answer. However, given that something as modest as Peel Holdings' proposal for a tidal lagoon in the Mersey would generate 650 GW of energy a year—much more than wind farms—is it not time the Government got solidly behind such schemes, given our dismal record on renewables? We have had plenty of studies. We now need some action.

Mr. Kidney: I got sufficiently solidly behind that project by visiting it last year and giving it my personal support. Peel Holdings and the North West Development Agency are currently spending £3 million on the feasibility study to which the hon. Gentleman referred, which will conclude this year. I am enthusiastic about its prospects of leading to a suitable scheme that will be meaningful in producing renewable energy from the marine environment.

Mr. Andy Reed (Loughborough) (Lab/Co-op): As my hon. Friend rightly said, any scheme has to be a reasonable one that works. Does he therefore recognise the work of the Energy Technologies Institute, which he visited in my constituency some time ago, in ensuring that the technologies that we introduce are the most efficient and best for the country, and will make a genuine economic impact? What steps is he taking to ensure that some of the private sector partners required to make that £1 billion Energy Technologies Institute work are being involved, and can he assist in ensuring that that happens?

Mr. Kidney: I am solidly behind the Energy Technologies Institute too, having visited it. I congratulate the institute on its decision to invest in research and development, and deployment for marine technologies. My hon. Friend is so right that we are talking about an innovative collaboration between the public and private sectors. A number of key manufacturers in this country are subscribers to the ETI, and I would encourage more to join.

Gregory Barker (Bexhill and Battle) (Con): Feasibility studies, consultations, reviews and glossy brochures cannot mask Labour's total failure over the past decade to develop the huge potential of offshore renewable energy—not just tidal energy, but wind and wave energy, and other forms of harnessing the immense power of the sea. Will the Government now recognise that ambitious Conservative proposals for marine energy parks, supported by a green investment bank and new energy infrastructure offshore, is the way to realise the potential of our seas, rather than the piecemeal, short-term and ineffective approach that has characterised this out-of-touch Labour Government?

Mr. Kidney: I just cannot understand how the hon. Gentleman can be so out of touch. This country leads the world in connected electricity energy from offshore wind, and the recent announcement of the round 3 leases by the Crown Estate makes us by far the largest contributor in the world to that technology. On marine technology—which is what this question was supposed to be about—I do not think the work we have done on the banded renewables obligation, the marine renewables proving fund or the strategic environmental assessment can be dismissed as lightly as the hon. Gentleman suggests.

Wind Energy

9. **Nigel Griffiths** (Edinburgh, South) (Lab): What estimate he has made of the number of wind energy projects approved by local authorities in the last two years; and if he will make a statement. [308895]

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney): Local authorities in England, Scotland and Wales have approved 76 onshore wind energy planning applications in the last two years. All planning applications for wind energy in Northern Ireland are determined by the Northern Ireland Planning Service. There is now over 3 GW of installed capacity of onshore wind operating in the UK.

Nigel Griffiths: Is the Minister concerned about the number of Conservative and Liberal councils that oppose onshore wind farms, and about the Conservative MPs who oppose offshore wind farming? Does he realise that their opposition is sabotaging the £1 billion investment in renewables by the Labour Government?

Mr. Kidney: The leader of the Conservatives says that we can judge what a Conservative Government would do by looking at their record in local government. They have an abysmal record of holding up and rejecting applications for onshore wind farms.

Mr. Nigel Evans (Ribble Valley) (Con): Although wind power can make a contribution to Britain's energy needs, does the Minister also accept that local authorities have an important role to play in listening to the desires of their local residents? *[Interruption.]* If wind farms are appropriately placed, yes, but if they are inappropriately placed, they do damage the future of the industry.

Mr. Kidney: I agree with the hon. Gentleman that the planning laws are there to strike an important balance between nature conservation and biodiversity on the one hand, and, on the other, the vital need for more renewable energy.

Carbon Capture And Storage

10. **Phil Wilson** (Sedgefield) (Lab): What recent assessment he has made of the effectiveness of carbon capture and storage technology in reducing the level of carbon dioxide emissions; and if he will make a statement. [308896]

The Secretary of State for Energy and Climate Change (Edward Miliband): The International Energy Agency estimates that carbon capture and storage could contribute up to 20 per cent. of the cuts needed in greenhouse gases by 2050. Without CCS, the cost of emission reduction needed to meet climate change targets globally would increase by more than 70 per cent. The four demonstration projects we are planning and those around the world will provide more information on the effectiveness of the technology.

Phil Wilson: In evidence to the North-East Regional Committee's report on industry and innovation in the north-east of England, Andrew Sugden, a director of the North East chamber of commerce said:

> "The private sector can go so far in clean coal technology, but so much is experimental and this is being done on a scale that has never been tried before. There has to be a balance of risk."

What more can the Government do in this regard, and what kind of job creation can this technology achieve in the north of England?

Edward Miliband: My hon. Friend is absolutely right to say that the private sector can play a role in this, but the risks relating to this new technology—and, indeed, the gains—do not justify one company making the kind of investment required. That is why we are introducing the carbon capture and storage levy, which will provide a stream of funding for CCS over the next two decades. It is the largest such investment in the world.

Mr. Brian Binley (Northampton, South) (Con): We have heard evidence in the Energy and Climate Change Committee of the great enthusiasm of some generators for connecting carbon capture and storage with extra production from the North sea to the tune of about 15 per cent. That has not been mentioned much, and I want to ask the enthusiastic Secretary of State whether he will get enthusiastic about this particular point. *[Interruption.]*

Edward Miliband: I am always enthusiastic, as one of my hon. Friends has just helpfully pointed out. We should look at all the technologies that exist. I pay tribute to the hon. Gentleman, because he, among others in the House, is a great advocate of carbon capture and storage and the role that it can play. Britain is uniquely placed in relation to CCS because of the North sea.

11. **Gwyn Prosser** (Dover) (Lab): What steps his Department is taking to encourage the use of carbon capture and storage technology; and if he will make a statement. [308897]

The Secretary of State for Energy and Climate Change (Edward Miliband): We are planning four demonstration projects funded by the CCS levy. We have also successfully argued for money to be set aside for up to 10 demonstration projects across Europe, and we are working with countries across the world on moving forward CCS technology.

Gwyn Prosser: What assessment has my right hon. Friend made of the overall job creation potential of CCS over the next five to 10 years? What will he do to ensure that such jobs are created right across the regions, and not just in the areas local to the plants?

Edward Miliband: My hon. Friend is absolutely right—across all regions there are opportunities relating to low carbon and, in a number of regions, relating to carbon capture and storage. We shall shortly look at where the CCS clusters can be, and how we can take proper industrial advantage of CCS. Estimates suggest that tens of thousands of jobs could be created in this area.

Nuclear Waste

12. **John Robertson** (Glasgow, North-West) (Lab): What progress his Department has made on the proposal of the Committee on Radioactive Waste Management for deep geological disposal of nuclear waste; and if he will make a statement. [308900]

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney): The Government accepted in 2006 the recommendations of the Committee on Radioactive Waste Management on geological disposal, coupled with safe and secure interim storage. Following public consultation, the Government published the White Paper, "Managing Radioactive Waste Safely: A Framework for Implementing Geological Disposal" in June 2008. The first step is an expression of interest from a community that may be interested in hosting a geological disposal facility. To date, we have received three expressions of interest relating to the Copeland and Allerdale districts in Cumbria. Officials are in discussion with these authorities, but it remains open for other local authorities to express an interest.

John Robertson: I thank my hon. Friend for his extensive answer. The Secretary of State said in an evidence session in the late summer that by late autumn we would have a statement on how to deal with nuclear waste and how to store it geologically. May we have this statement as soon as possible and why has there been a delay?

Mr. Kidney: My hon. Friend has great knowledge of, and speaks with great authority on, this subject, so I take to heart his request that we hurry up and make the statement he seeks. I cannot answer him today regarding the reason for the delay, but I can assure him that the work I described in my answer to him will go on, and that we are looking forward to the construction and operation of a facility that will be a multi-million pound project, providing skilled employment for hundreds of people over many decades.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): Does the Minister accept that even those of us who are sceptical about the more exaggerated theories of global warming want to see rapid moves towards greater diversity of supply, less reliance on imported hydrocarbons and therefore the rapid development of nuclear energy? Is it not a disgrace that it has taken so long to get to any kind of resolution to this problem of the disposal of nuclear waste?

Mr. Kidney: No, this is the first Government who have got a grip on the decision about the long-term future disposal of nuclear waste. It is good, however, that there is common ground between us on the security of energy supply and its coming from diverse sources; on that we can agree. There has certainly not been any delay in planning or policy for new nuclear, as we have seen three consortiums coming forward with plans for about 16 GW of new power from nuclear.

Copenhagen Conference

13. **Mr. Jamie Reed** (Copeland) (Lab): What steps his Department is taking to tackle climate change following the outcome of the United Nations climate change conference in Copenhagen; and if he will make a statement. [309901]

The Minister of State, Department of Energy and Climate Change (Joan Ruddock): The Copenhagen accord sets out a framework for international action to tackle climate change, in which the UK will play its full part. The UK has so far committed to cutting emissions by 34 per cent. by 2020; our low carbon transition plan sets out the pathway for achieving this.

Mr. Reed: I thank the Minister for her reply. Everybody will have noticed the splendid efforts of her Department at Copenhagen, but there was some disappointment at the United Nations framework. If these disappointments continue, will the Department consider pursuing separate bilateral negotiations with the biggest polluters, namely the US and China?

Joan Ruddock: I think we would not specifically do that; we would not seek to undermine the UN process. We have not lost our hopes that we can proceed from the Copenhagen agreement. This was a kind of success—not as much as we wanted, but the fact is that there is so much on the table and we need to get on with it. The most important thing the UK can do at this point is to push forward on what we have got. We must ensure, for example, that the fast-track financing for developing countries comes on stream and we are going to make our own contribution of up to £1.5 billion on that. We also need to establish the high-level panel to look at the $100 billion financing proposals for 2020 and beyond, and we need to support the Danes in getting a critical mass of countries to support the accord. Furthermore, we have just a short time to get the most ambitious commitments put into the document by the end of this month. We will do our utmost, as my right hon. Friend the Secretary of State has said, to ensure that that happens so that we do not lose the dynamic that exists, despite the disappointments of Copenhagen.

Mr. Andrew Pelling (Croydon, Central) (Ind): On the subject of the Government's leadership, will the Minister ask her colleague the Secretary of State to work in close association with his close friend at the Foreign and Commonwealth Office to persuade our embassies to ask the United States Congress to support the initiative, and also to persuade the European Union not to be divided on the issue?

Joan Ruddock: Indeed. I pay tribute to the Foreign Office and all its staff for their enormous efforts in the run-up to Copenhagen, and we can be assured that they will continue those efforts. Our bilateral discussions are critical to progress, not least in the EU, where we continue to strive for the most ambitious possible target: a 30 per cent. reduction in emissions by 2020.

Rob Marris (Wolverhampton, South-West) (Lab): I welcome the $100 billion fund and the United Kingdom Government's leadership in that context, particularly given that part of the fund relates to adaptation to climate change. Will those moneys be in addition to, or a substitution for, development moneys that already go to developing countries?

Joan Ruddock: We have made it absolutely clear that there should be no question of countries' saying, "Because we give overseas aid, we do not need to make additional moneys available." We have suggested that no more than 10 per cent. of existing and promised official development assistance should be provided for adaptation or other climate-related purposes. We consider that limit very important. There are legitimate overlaps between development and adaptation to climate change, but they are limited, and we must make them so.

Topical Questions

T1. [309910] **Mr. Peter Bone** (Wellingborough) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Energy and Climate Change (Edward Miliband): One of my Department's responsibilities is helping people to cut their bills and their use of carbon. That is why this week, following the allocation of £50 million in the pre-Budget report, the Government launched the boiler scrappage scheme, which will give 125,000 households a £400 reduction in the cost of replacing a G-rated boiler with a much more efficient A-rated one. Further details can be obtained from the Energy Saving Trust.

Mr. Bone: Can the Secretary of State give us an insight into what happens to his Department, and what delays are incurred, in the event of one of these coups—a Prime Minister scrappage scheme, if you will? How much time is diverted from the running of his Department? Conservative Members find the position very difficult to understand, because we are all united behind our leader.

Edward Miliband: That is a ridiculous question. It is clear from the launch of initiatives such as the boiler scrappage scheme that the Government are getting on with the business of government and helping people in these difficult times.

T4. [309914] **Mr. Jim Cunningham** (Coventry, South) (Lab): What assessment has my hon. Friend made of the electric car trials in Coventry and elsewhere in the west midlands, and how does he intend to support those schemes?

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney): I am glad that my hon. Friend has asked that question. This is a very exciting trial involving 100 electric vehicles in Birmingham and Coventry. We are observing the results keenly as we clearly need to move away from fossil fuels, given the volume of road traffic in this country.

T2. [308912] **Norman Baker** (Lewes) (LD): In the context of tackling climate change, the Minister is doubtless aware of the key report produced in the 1990s by the Standing Advisory Committee on Trunk Road Assessment for the Department for Transport, which demonstrated that providing extra capacity generates journeys that would otherwise not be made. Why are the Government bumping up carbon emissions unnecessarily by promoting a third runway at Heathrow and widening motorways for hard-shoulder running?

Edward Miliband: On the question of the third runway, I hope that the hon. Gentleman has seen the report from the Committee on Climate Change, which shows that we have a clear target for carbon emissions from aviation and explains how it can be accommodated within constrained demand from aviation. Our policy is not one of unconstrained demand, but nor does it assume that we will somehow freeze the amount of flying that people do. That is not realistic, and it would not be good for our economy. It would not be good for our society either, because many more people are emigrating to this country and will want to travel for business and other purposes.

T5. [308916] **Alun Michael** (Cardiff, South and Penarth) (Lab/Co-op): I have pointed out on a number of occasions that, while wind farm applications are often passionately opposed when they are seen to be imposed on the local community by big business, applications owned and promoted by the local community are often supported with equal passion. Will my right hon. Friend commit himself to making community ownership the norm for wind energy in the United Kingdom?

Edward Miliband: My right hon. Friend, who has been a great fighter for the co-operative movement, is entirely right. Community ownership plays a very important role. The feed-in tariff will also help to encourage communities to come forward with their own proposals for renewable energy.

T3. [308913] **Richard Ottaway** (Croydon, South) (Con): Will the Government stand by their pledge last year and include micro-combined heat and power in the forthcoming statutory instrument on feed-in tariffs?

Edward Miliband: We are in the middle of a consultation on that and the hon. Gentleman will have to wait for the results. The micro-CHP industry—we were looking at a micro-CHP boiler recently during the launch of the boiler scrappage scheme—is important and needs to be supported.

T8. [308919] **Mr. Ronnie Campbell** (Blyth Valley) (Lab): Now that clean-coal technology looks to be a certainty, how many coal mines does my right hon. Friend envisage will be opened shortly?

Edward Miliband: It is hard to estimate how many will be reopened but it is important to say that that will provide important support for our indigenous coal industry, and that carbon capture and storage can make coal a fuel of the future and will provide the certainty that our indigenous industry needs.

T6. [308917] **Mr. Edward Timpson** (Crewe and Nantwich) (Con): Recently released figures show that just over one in eight households in Crewe and Nantwich are living in fuel poverty. In attempting to tackle that growing problem, energy suppliers have committed collective social assistance spending of about £150 million in 2010-11, but what commitment have they made beyond 2011?

Mr. Kidney: I encourage the hon. Gentleman to help such households in his constituency by referring them to assistance such as Warm Front and other energy efficiency measures, and to the energy supplier obligation. I also encourage him to seek to ensure that they have the benefits to which they are entitled and that they receive social tariff support from their energy supplier, if possible. The answer to his question lies yet again in the deliberations of the Committee that is considering the Energy Bill, about which we have heard so much today. We do indeed intend to put the voluntary agreement for social price support on to a statutory basis, and we propose to double the amount of support under that scheme.

Tom Levitt (High Peak) (Lab): I am encouraged by what my right hon. Friend the Secretary of State has said about feed-in tariffs. Will he confirm that, if feed-in tariffs are not sufficiently high to encourage community-owned, small-scale green power schemes, they will not succeed in that respect? In the light of that, will he redouble his efforts to find a space in his diary to visit the Torrs hydropower scheme in New Mills, the country's first 70 kW community-owned hydropower scheme?

Edward Miliband: I am looking forward to visiting the scheme my hon. Friend mentions. Such schemes can benefit from the feed-in tariff and other measures that we are taking. It is important that in April, when the feed-in tariff comes in, many communities and indeed individuals take advantage of it.

T7. [308918] **Mr. Roger Williams** (Brecon and Radnorshire) (LD): As has been mentioned, those households that do not have the benefit of mains gas are more liable to suffer fuel poverty because of the cost of alternative fuel. Historically, the liquefied petroleum gas market has been very uncompetitive, but the Office of Fair Trading has now introduced regulations to bring more competition into the market. Unfortunately many consumers do not realise the opportunities that they now have to reduce the cost of fuel. Will the Secretary of State consider a publicity programme so that those consumers can understand the opportunities they have and reduce their fuel costs?

The Minister of State, Department of Energy and Climate Change (Joan Ruddock): I am grateful to the hon. Gentleman for his suggestions. He is absolutely right. There is continuing concern about that matter and about people who are off the gas grid and do not have options. We are looking at ways of dealing with that, particularly through the Energy Bill and mandated tariffs, which could be of some help but not sufficient—I agree with him on that. He suggests publicising what is available to people, which is a good idea and we will certainly look at that.

Paddy Tipping (Sherwood) (Lab): Will the Secretary of State reassure domestic gas consumers that, even in extreme cold weather, good management of the grid, the use of North sea reserves and the interconnector mean that there is no prospect of their supplies being cut off?

Edward Miliband: My hon. Friend raises an important issue. We have seen, on successive days this week, record demand on the grid. Obviously, I am in regular touch with the National Grid about that. It assures me that supply can meet the demand out there, despite the quite extreme weather conditions we are facing. I maintain vigilance on that and talk regularly to the National Grid.

Mr. John Baron (Billericay) (Con): Given the confusion caused by energy companies having more than 4,000 different tariffs, many Opposition Members believe that in order to help people who are paying too much for their energy, and particularly those living in fuel poverty, energy companies should be obliged to publish on all domestic bills whether their customers are on their cheapest tariff. When I raised this issue with the Secretary of State last year—

Mr. Speaker: Order. For the avoidance of doubt, let me say that we do need brief questions. May we have a question now, please?

Mr. Baron: When I put this idea to the Secretary of State last year, he initially welcomed it, then backed away from it, and then said it would be included in Ofgem's annual statement. What—

Mr. Speaker: Order. I am sorry to interrupt the hon. Gentleman, but I did give him a chance to ask his question.

Edward Miliband: The hon. Gentleman has been a doughty fighter on this issue. My understanding is that Ofgem is introducing, as my hon. Friend the Under-Secretary mentioned in an earlier answer, an annual statement that must be provided to customers, and which gives the information the hon. Gentleman wants. I am sure that if that is not the case, the hon. Gentleman will take the matter up with my hon. Friend or myself.

Gwyn Prosser (Dover) (Lab): The village of St. Margaret's in my constituency is working hard to become a low-carbon community. Can the Secretary of State assure us that the funding for the challenge scheme will continue, and will he join me in paying a visit to St. Margaret's to see the excellent work the community is doing?

Edward Miliband: I pay tribute to the community my hon. Friend represents and to the people of St. Margaret's for what they are doing. The low-carbon communities challenge has been a great success in terms of the number of applications received, and we want to help as many communities as possible to be trailblazers for low carbon, showing how the transition to it can make a difference to people's lives through the introduction of smart meters, insulation, renewable energy and a whole range of other measures. All this is part of the positive vision that we must offer for tackling climate change.

Mr. Christopher Chope (Christchurch) (Con): The Under-Secretary made an important announcement earlier in respect of residents of park homes. When can he provide more detail on that, and will he consider using one of the parks in my constituency as one of the pilot projects, because we have more than 1,000 park homes in Christchurch?

Mr. Kidney: I thank the hon. Gentleman for that question. This issue has been under consideration for some time, so we are close to being able to give the detail he wants. I note his interest in his constituency being one of the pilot areas, and I shall take that on board as a representation.

Rob Marris (Wolverhampton, South-West) (Lab): What support and encouragement are the Government giving to sub-aquatic marine energy generation—I am thinking of the plant off Northern Ireland, and we also had a United Kingdom plant off the coast of Portugal? This is the way forward for the future. What support is being given to it?

Mr. Kidney: Our country has the best testing facilities in the world: we have the New and Renewable Energy Centre—NaREC—as well as a facility in the Orkneys and the forthcoming wave hub in Cornwall. The specific technology to which my hon. Friend refers is either in place at, or being built at, the Orkneys facility, with some further testing and accreditation, and it is hoped that it will be the first applicant for assistance from the marine renewables deployment fund.

Martin Horwood (Cheltenham) (LD): Amid the general failure at Copenhagen, there was at least positive discussion about mechanisms to reduce deforestation. Is the Secretary of State content that, among the mechanisms envisaged, there is sufficient protection for the rights of forest peoples, who are probably the best guardians of the rain forest? Could not the British Government set a very important precedent and make a valuable contribution to this process by ratifying International Labour Organisation convention 169 on the rights of tribal peoples, as other European countries have done?

Edward Miliband: Okay, I shall endeavour to look up ILO convention 169. The hon. Gentleman's general point about the importance of protecting the rights of forest people as we tackle deforestation is very important. One of the areas in which more progress was made at Copenhagen was the so-called RED—reducing emissions from deforestation—negotiations. Some important commitments were made by developed countries, and we need to move that forward.

Sir Nicholas Winterton (Macclesfield) (Con): This House needs to be concerned about fuel poverty. Can the Secretary of State say how much the average electricity user is paying because of the subsidy relating to this Government's climate change policies being included in their bills?

Edward Miliband: From memory, I think we have said that by 2020 the climate change policies will add about 8 per cent. as a whole to energy bills. I say to the hon. Gentleman, however, that there is no high-carbon, low-cost future out there, because the truth is that if we want to have secure energy, we also need low-carbon energy—renewable and nuclear energy. So, yes, there are upward pressures on energy bills, and that makes life difficult for people, including those in fuel poverty, but it is right that we go down the low-carbon energy route. However, it is also right that we take measures to protect the most vulnerable.

Sir Patrick Cormack (South Staffordshire) (Con): Has the Secretary of State read "Sustainable Energy—without the hot air", the widely acclaimed and freely available book by Professor David MacKay? Is he aware of the following statement within that book:

> "if we covered the windiest 10 per cent. of the country with windmills…we would be able to generate…half of the power used by driving an average fossil-fuel car 50 kilometres per day."?

Does that not behove us to consider very carefully the viability of onshore wind power?

Edward Miliband: Our chief scientist is a very distinguished person and his book has been by my bedside for some time. I have certainly read parts of it, although I cannot promise that I have read it from cover to cover. It is a good and illuminating read.

On the hon. Gentleman's question about wind power, I am clear that offshore and onshore wind power are part of our energy mix, alongside nuclear power and carbon capture and storage clean coal. All those things are necessary to provide us with secure and low-carbon energy.

Ann Winterton (Congleton) (Con): Will the Government press the United Nations to undertake an assessment of the extra carbon emissions caused by the failed Copenhagen summit, not least in terms of the number of flights from places throughout the world and all those gas-guzzling limousines that had their engines idling while they waited to pick up distinguished delegates?

Edward Miliband: I do not think that that would be a good use of United Nations or, indeed, taxpayers' money, and I dread to think what doing the UN conference by video conference would have produced. The serious answer to the hon. Lady's question is that progress was made during the past year, partly as a result of the Copenhagen deadline, and we need to build on that in the years ahead.

Mr. Philip Hollobone (Kettering) (Con): Kettering has a very successful wind farm, which has planning permission to expand by two thirds, but there are proposals for six further wind farms in my constituency. What mechanism can the Secretary of State give far-sighted local authorities so that they can zone areas for wind farm development while protecting other parts of the countryside?

Edward Miliband: The hon. Gentleman raises an important issue. One of the things we are doing is a mapping exercise across the country to see which are the most appropriate areas for wind farms; that will help local authorities. I applaud local authorities that embrace renewable energy—those that say no to it everywhere are doing the wrong thing—but of course, local authorities need to be able to take decisions about the most appropriate places for wind energy facilities, and indeed they do.

Salt Reserves

11.32 am

Mrs. Caroline Spelman (Meriden) (Con) *(Urgent Question)*: To ask the Secretary of State for Transport if he will make a statement on the country's salt reserves and any implications this may have on local government's ability to maintain the road network.

The Minister of State, Department for Transport (Mr. Sadiq Khan): During this period of exceptionally prolonged severe weather, staff across the transport industries and national and local highways authorities are working extremely hard to minimise the disruption caused. The Highways Agency has its fleet of 500 salt spreaders and snow ploughs out in force and has been successful in keeping the vast majority of the major road network running, helping to prevent the formation of ice and build-up of snow.

Following the severe weather in February 2009, the UKRLG—the UK Roads Liaison Group—recommended good practice of having at least six days of heavy salting capacity in the winter period, alongside a package of wider recommendations to improve resilience. The UKRLG noted that the Highways Agency was already holding a minimum of six days' continuous heavy salting capacity in winter periods. The Highways Agency entered this winter period with 13 days' capacity, and we regard this as the right response following last year's events.

For the local road network, it is the responsibility of local authorities to decide how to respond to the UKRLG recommendations. We have kept in close contact with local authorities across the country to check how they are dealing with their own local road networks. Local authorities have told us that they increased their salt stocks at the start of the winter season compared with last year. The Local Government Association estimates that the equivalent of about 600,000 miles of road have been gritted by council gritting teams in the past 14 days, using about 38,500 tonnes of salt.

The Department for Transport and devolved Administrations have been regularly monitoring salt supplies and stock levels across the country with the help of their agencies, local authorities and the companies that supply salt. Alongside this, mutual aid arrangements between local authorities and the Highways Agency can help to relieve areas that are experiencing particularly tight stocks of salt. The Government and the devolved Administrations have also decided that owing to the exceptional weather affecting the country, they should work in partnership to advise salt suppliers on priorities for deliveries. The LGA will assist with that process. A group started the national prioritisation work this week. That will help to ensure that stocks of salt are supplied to where they are most needed.

We will continue to do everything possible to keep disruption to a minimum during this period of exceptionally prolonged severe weather.

Mrs. Spelman: Thank you for granting this urgent question, Mr. Speaker. It is so topical that I think people would quite rightly have expected the Government to have made a statement on the subject by now, but we are grateful for this opportunity.

Councils reviewed their own contingency plans in the light of their very bad experience of the snow as recently as February last year, and sent the report I have here, "Weathering the Storm", to the Minister's Department in August. Why, then, did it take until 15 December for Ministers to respond to that vital report? Does the Minister accept that with only 48 hours to go before the first predicted heavy snowfall in the south-east, councils' ability to implement the recommendations in full was compromised?

Does the Minister consider that the advice that he received to increase the stockholding capacity of six days' worth of salt supplies is adequate, given the prospect of at least another week of sub-zero temperatures, or will he revise the guidance to take account of the figure that he gave in his first response, which was more like 13 days' worth? If so, how soon will he change that guidance and when can councils expect to receive it? Does he accept that if the report's recommendations had been accepted earlier than 15 December, it might have been possible to avoid the gridlock of lorries around the salt mine in Cheshire that are trying to collect salt on behalf of councils? As the Minister will know, in February of last year one of the learning experiences came from the difficulty to do with the flexibility of drivers' hours. At what point did the Government act on the recommendation to provide for flexibility in drivers' hours?

Finally, do the Government intend to revise any of the guidance they have given to councils? If so, when can councils expect to receive this and will a copy of the revised guidance be placed in the Library of the House of Commons so that Members from all parties, whose constituents are experiencing considerable difficulty, might be able to see those changes?

I am sure that all Members would like to pay tribute to the work being done by their councils to try to keep essential roads open. They are working around the clock to keep Britain moving.

Mr. Khan: I pay tribute to all those who are ensuring that this country does not grind to a halt, whether they work for councils, for airports, for the rail sector or for the emergency services. They are doing a tremendous job to keep our country moving.

The hon. Lady has asked a number of questions, which I shall try to answer in turn. If there is anything that I do not deal with, I am sure it will be taken up by other colleagues. I can also write to her or speak to her afterwards if I do not take up all her points in my short response.

The hon. Lady is right to refer to the report made by the UKRLG in July. It was open to local authorities to follow the report's recommendations in July, rather than to wait for us to endorse it in December. She will be aware that many local authorities lived through the bad weather last February and March. I was surprised that she suggested that central Government should prescribe to local government and tell it what to do. Some might say that one of the reasons she is pointing the finger at central Government is that many of these local authorities are Conservative-run. Many constituents will want to ask questions about how their councils have performed in this difficult time.

The six days' worth of supply is a recommendation of good practice. Some might decide to hold salt to cover much longer periods. We have examples of some local authorities that have salt for up to 69 days, so they have clearly not merely followed the good practice but decided that they should stock more. Indeed, we have stocked 13 days' worth with the Highways Agency. I am not sure whether the hon. Lady is suggesting that I, as someone with no expertise, should give advice on this issue, or that we should rely on experts to give advice. The UKRLG is made up of experts and they advised that the best practice was to stockpile six days' worth of salt.

The hon. Lady also talked about what local authorities and the Government should have been doing. We are responsible for ensuring that the Highways Agency has motorways and trunk roads cleared and running smoothly—and, in broad terms, it has been doing that. It is for local authorities to ensure that local roads run smoothly. I have spoken to the LGA this week, and the Prime Minister spoke to it this morning. We are doing all we can to keep the country moving.

Norman Baker (Lewes) (LD): I thank the Minister for his detailed answer, and I pay tribute to the hard work that has been undertaken by many employees of local councils and other bodies to try to keep our transport networks running effectively.

Does the Minister think it sensible for us to rely on just one mine in Cheshire for 90 per cent. of our salt supplies, and will he consider whether we need to diversify further to ensure that we have guaranteed supplies for future events? Was it not unwise, last February, to recommend that councils hold only six days' supply, given the current indication that there will be 10 days of extreme weather conditions, and will he consider revising that advice?

Is not one consequence of the current shortage of grit in many parts of the country that many side roads are not being treated in many areas? That leaves many elderly and vulnerable people effectively trapped in their homes, and is of great concern to them. Is not another consequence that pavements are not gritted at all in some areas? As far as I can tell, not a single pavement has been gritted by my Conservative council in East Sussex—not even those around doctors' surgeries, bus stops, supermarkets or anything else. A consequence of that, now and in December, has been that people have had to negotiate sheets of ice to purchase basic commodities and to do their normal work.

Finally, will the Minister make an assessment of the cost to business and the health service of the failure of some councils to keep essential transport systems working? I am conscious that in my local primary care trust area, and in the acute trust in Brighton, which has done very well, about 1,500 people have been through the system with injuries such as broken wrists that might not have occurred had pavements been properly gritted. As a public policy point, we ought to assess the cost to the health service of the failure of some councils to use grit properly.

Mr. Khan: I thank the hon. Gentleman for his sensible points and the questions that he has raised. Let me deal with each of them, starting with salt supplies. As he is aware, there are two main salt suppliers in this country, and the supply is governed by where salt can be mined or excavated. I am not sure whether he is suggesting that I should nationalise the industry or start procuring or producing salt. I can tell him that the Prime Minister has spoken to the chief executives of both those companies this morning to impress on them the importance of trying to excavate as much salt as possible and to get it out from the factories. The Highways Agency has procured salt from Spain and from companies in the USA, and some local authorities have been innovative in procuring it. There is a problem with salt storage. Some local authorities have problems with salt barns and with the amount of salt they can store for a long period of time, and so are governed by lack of storage space rather than not being sufficiently geared up to get as much salt as they can.

On the hon. Gentleman's points about what has happened in his local communities, I must tell him that it is for local authorities and locally elected councils, which know their communities best, to decide where salt and grit should be laid down. The hon. Member for Meriden (Mrs. Spelman) suggested that perhaps we in Whitehall should have a map and decide which roads should be gritted. If there are problems in some areas, it is important that councillors make sure that the right parts of their communities are gritted. Clearly, there is a problem with the amount of grit available in relation to the extreme weather that we are having, and so priority assessments will need to be made. Those areas of the community that are a priority will need to be gritted.

The hon. Gentleman's final point is important. The cost to us of bad weather, not only in financial terms, to business, but in human terms, with operations being cancelled and school hours being lost by children, is immense. However, the weather is, on all objective assessments, the worst that we have had for almost 30 years, and so a sense of perspective is required.

Mr. Tom Watson (West Bromwich, East) (Lab): Is it not the case that a small number of politicians are sitting in their warm offices e-mailing press releases to create despondency, when many tens of thousands of public sector workers are out there keeping the country moving? Should we not be praising those workers, rather than moaning?

Mr. Khan: I thank my hon. Friend who, as ever, makes a really important point. The number of public servants out there shovelling away at grit to make sure that our pavements are clear and our roads gritted is immense. He will be pleased to know that the Prime Minister got in touch with the Highways Agency this morning to put on record his personal thanks for the hard work done by its staff in making sure that our country does not grind to a halt.

Mr. Stephen O'Brien (Eddisbury) (Con): The UK's largest rock salt mine is at Winsford in my constituency. The Minister has notably failed to praise the work force there—

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): He did.

Mr. O'Brien: He did not. The work force at the Winsford rock salt mine are working 24/7 to produce 30,000 tonnes per week, but it is also most important to bear in mind the forbearance of the people of Winsford. The restrictions on HGV movements have quite rightly

[Mr. Stephen O'Brien]

been relaxed, but people there are finding that their town is hemmed in by queues of lorries waiting to be resupplied. Does the Minister agree that it is important to recognise the need to get stockpiles right in the autumn, in advance of winter? At the moment, we rely on the salt unit to produce the salt in an emergency.

Mr. Khan: I thank the hon. Gentleman for his comments, and there is not much in what he said that I disagree with. Not only do I pay tribute to the hard work done by the people at the Winsford rock salt mine, but the Prime Minister personally rang the chief executive to ask him to pass on his thanks for the great work they are doing. I should also like to thank the hon. Gentleman's constituents, who are having to put up with lorries going through their communities literally 24 hours a day. He will be aware that there are conditions attached to lorries going through the town during working hours, but local residents have indulged the trucks. There are very good reasons for people to work around the clock, and many will have seen the photographs and images of the queue of lorries leaving the factory. Although it looks chaotic, staff are doing a very important job in ensuring that the right parts of the country are receiving much-needed grit.

Joan Walley (Stoke-on-Trent, North) (Lab): While I urge my right hon. Friend to look at the whole issue of distribution and access to salt supplies, may I add that there is a real issue with the nitty-gritty—if I dare say that—of all this? Local people cannot understand why their pavements are not being gritted. I urge him to see whether there is some way to make information available so that local people know what standard of service they can expect from their local council.

Mr. Khan: One of the things that I was keen to do when speaking to the LGA, the Prime Minister and some of my officials this morning was to make sure that local authorities use best practice and provide a sufficient standard of care for local residents. There are health and safety issues here, as we clearly do not want more people falling over and getting hurt than would be the case without this adverse weather.

I am reluctant to prescribe what local authorities should do, as clearly this is a matter of horses for courses. We need to make sure that the parts of communities most in need of having their pavements or roads cleared are having that done. I am happy to carry on working with the LGA and others to see whether lessons can be learned.

Ann Winterton (Congleton) (Con): Will the Minister acknowledge the huge efforts being made at British Salt at Middlewich in my constituency, which produces salt from brine? Will he ensure that the LGA has better plans in future for getting roads in partially rural constituencies cleared more effectively than has been the case this time?

Mr. Khan: I appreciate that roads are essential lifelines in rural parts of the country, and I can understand why local authorities would want to ensure that they are cleared more swiftly in future. The hon. Lady is right to remind me that there is a company in Middlewich in her constituency that is doing a huge amount of work to provide salt and grit and to make sure that supplies reach the rest of the country. She also spoke about the need for the LGA to have better plans in future, but we have to be careful what we wish for. On the one hand, local communities elect councillors and local authorities do a very important job but, on the other, pressure is brought to bear on me, as a Minister in Whitehall, to tell local authorities what to do. I suspect that some of that could be because some of the local authorities doing a bad job are Tory councils.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my right hon. Friend agree that many people whinge at this time of year? As he said, this is the worst weather for 30 years, but the fact is that many local authorities are doing a very good job. The authority in Huddersfield and Kirklees is doing a very good job, even though we have had real problems with obtaining more supplies of salt and grit. Is it not the truth that the men and women who have been keeping our roads clear have the essential qualities of grit, determination and courage—something that some politicians could learn from?

Mr. Khan: I agree wholeheartedly with my hon. Friend's comments and echo his tribute to the public servants, men and women, who have done a huge amount to ensure that our roads and pavements are cleared. Public servants and council workers in Huddersfield, Kirklees and elsewhere are doing a huge amount, and that is one reason why I am reluctant to stand here and criticise local authorities—when I know that so many are doing such a good job.

Mrs. Maria Miller (Basingstoke) (Con): I commend the efforts of public sector workers in Hampshire and Basingstoke who, as the Minister knows, are doing the best they can to keep our roads open. He said that salt deliveries are already being prioritised so that they are sent where they are needed most. What criteria are used when those decisions are made? The lack of transparency in that process was a key criticism in the UKRLG recommendation, which the Minister said he accepted in full.

Mr. Khan: The hon. Lady has written to me because of the concerns in her constituency, and I am responding to the points she made in her letter, which highlighted a number of her worries. Several criteria are looked at: the amount of available stocks; whether there are mutual aid facilities, with different local authorities able to provide assistance; how recently deliveries were made to local authorities; and weather conditions. Importantly, we do not decide where the priorities lie; the LGA does, working with the Highways Agency, the devolved Administrations and the suppliers. What is important is that the regional resilience centres receive as much updated information as possible from local authorities, which can then determine which parts of the country receive the salt quickest.

Dr. Roberta Blackman-Woods (City of Durham) (Lab): My local authority, Durham county council, has been working around the clock to try to keep our major routes open, including all bus routes; and it has been doing so continuously since 16 December, putting down as much as 1,400 tonnes of grit each day. As a result, we have now had to put pressure on the mine in question, and I had to contact it myself to ensure that it delivers the necessary stocks to Durham. What pressure is being applied to mine owners? They are doing a really good job, but during this difficult period it would help if they opened at those weekends when it is necessary to make deliveries.

Mr. Khan: That point refers to a previous question about the stocks leaving mines, and I am pleased to tell my hon. Friend that the mining companies will be working not only around the clock, but seven days a week, which is very important. She rightly refers to the fact that some councils—most of them, indeed—have been working around the clock since 16 December, and further bad weather is predicted over the next period, so we should bear that in mind. Alongside the pressure that I have brought on mining companies and my hon. Friend has brought on her local authority, the Prime Minister this morning also spoke to the two biggest salt procurers to ensure that we impress on them the need to try to excavate as much as is humanly possible.

Jo Swinson (East Dunbartonshire) (LD): In East Dunbartonshire a severe shortage of salt has left many roads and pavements in a treacherous condition, and earlier this week parts of Scotland ran out of salt completely. What specific requests have the Scottish Government made for assistance in securing additional salt; and what has been the result of those requests?

Mr. Khan: One reason why we are working with the devolved Administrations in Scotland and Wales is that the same salt producers supply both countries. We would not want Scotland and Wales to lose out as an unintended consequence of our prioritising English local authorities. That is why both countries are very much inside the loop when it comes to the Salt Cell organisation to which we have referred. We are in regular contact with our colleagues, and that includes discussions about salt importation from overseas. We will continue to keep in touch with them over the next period.

Tom Levitt (High Peak) (Lab): In some parts of the country, supplies such as milk and fresh food are inevitably being compromised. Will the Minister pay tribute to those voluntary sector and community groups that organise people to be on the look out for the needs of vulnerable members of the community; and will he say a word about everybody being a good neighbour at this time and looking after vulnerable neighbours in their streets?

Mr. Khan: My hon. Friend makes a very important point. I pay tribute not only to those people who, out of the goodness of their heart and common decency, check on their neighbours, whether they are elderly or not, and ensure that there is sufficient food for them, but to those who get the shovel from their shed, clear their front pathway and help the old person next door who may need assistance. Whether it is young children, helping old people to cross the roads and clearing their front paths, or us older citizens, I pay tribute to the resilience of the British public over the past three weeks, who have shown what is good about our society.

Mr. David Lidington (Aylesbury) (Con): I thank the public sector workers who have been putting in very long hours in the Aylesbury and, indeed, Buckingham constituencies to deal with the problems caused by snow and ice locally. However, many able-bodied local residents would be willing to clear the snow and ice on the pavement in front of their properties if they were not scared of being sued by somebody who subsequently fell over. Will the Minister look at the guidance and the law on that point to try to ensure that common sense and public spiritedness are given a fair wind?

Mr. Khan: I am sure that that did not escape your notice, Mr. Speaker—that sucking up to you! I too pay tribute to the public servants of Buckingham, who are doing a great job. However, the hon. Gentleman makes a serious point, and I would be thoroughly disappointed if people were reluctant to be a good neighbour and clear their pathways for fear of being prosecuted. I have seen evidence of good neighbours in my community, in Tooting and Wandsworth, and I have heard about it from stories around the country. I hope that that continues over the next period.

Tim Loughton (East Worthing and Shoreham) (Con): Notwithstanding the short-term impact of what needs to be done, I must say that there is a longer-term impact on the fabric of the roads. They were already breaking up after the most recent bout of poor weather, and they were not helped by gritting, either. Counties such as mine, West Sussex, have faced real-terms cuts in their highways grants over recent years, so will the Minister look at the situation and at how we can help authorities to repair roads in the longer term? If we do not, the problem will get worse and worse.

Mr. Khan: The hon. Gentleman will recognise that we have increased local authority capital investment for those matters two or three times in recent years. In fact we were criticised for doing so. The important thing is that local authorities take stock of the areas where adverse weather causes problems. He is right to say that gritting and adverse weather causes more potholes in, and problems with the fabric of, our roads, but it is for local authorities to know their communities best and to decide where their priorities lie when it comes to spending their moneys.

Angela Watkinson (Upminster) (Con): Many grit bins that local authorities provide for residents' use on footpaths have been vandalised, leading to avoidable falls and injuries. Will the Minister join me in condemning the people who are responsible for that mindless vandalism; and will he discuss with his colleagues whether it is possible to source vandal-proof grit bins?

Mr. Khan: I unequivocally condemn those who vandalise such salt bins. I have also heard stories about them being stolen, and that beggars belief. On the one hand we are talking about the very best of British; on the other, we see examples such as that to which the hon. Lady refers. I am happy to look into any technical areas on which we can work to make salt bins vandal-proof.

Andrew George (St. Ives) (LD): I do not wish to diminish the seriousness or scale of the task that staff have had to undertake, and salt reserves certainly need replenishing in Cornwall, but I am not sure that the Minister has answered the questions about pavements from my hon. Friend the Member for Lewes (Norman

[Andrew George]

Baker) and the hon. Member for Stoke-on-Trent, North (Joan Walley). Many people are walking on the roads and putting themselves in greater jeopardy. Have the Minister and his Department considered whether any guidance is required to ensure that accidents, which we know are happening throughout the country, are avoided?

Mr. Khan: Perhaps I can answer the hon. Gentleman's question this way: we know that public safety demands that local authorities clear and grit certain roads; and we know that the Highways Agency is ensuring that motorways and trunk roads are gritted. However, local authorities are responsible for pavements, and it is for them to decide the priority areas in their communities. Some authorities may decide that pavements leading to and from a school or a GP's surgery are a priority, but I am not sure that I should advise local authorities on which parts of their communities need to be gritted. I am certainly not keen on any politician in Whitehall telling me or the leader of Wandsworth borough council which parts of Wandsworth need to be gritted. Local council leaders and officers in town halls know which parts of their community deserve to be gritted. However, when there is a shortage of grit, priorities need to be established and decisions made about which areas are gritted, and some inevitably will not be.

Mr. William Cash (Stone) (Con): Does the Minister accept that in the guidance given by central Government, the criteria mentioned by my hon. Friend the Member for Basingstoke (Mrs. Miller) must be complied with? It is no good suggesting that local authorities alone can make these decisions if national suppliers are involved, as the chairman of the Highways Agency in Staffordshire, Mike Maryon, has made clear. We had temperatures of minus 17° in Staffordshire, Moorlands. Rural areas have been severely affected. There is no point in the Minister trying to pass the buck to local authorities if the overall number of days' supply has been got completely wrong.

Mr. Khan: I am not sure what the hon. Gentleman is suggesting we do. The salt suppliers are private companies who produce and sell salt, and local authorities decide what they need for their communities. The good practice advice given to local authorities is that there should be supplies of at least six days' worth, and they can follow that advice or not do so. Some local authorities stockpiled many weeks' worth of grit because they took the sensible course of action. The Highways Agency decided that there should be 13 days' worth of grit in our stocks. If he wants us to consider the possibility of those private companies being taken over by a public company, and therefore local authorities being told how much supply they should keep, I would not recommend that. We should work with the Local Government Association, the Highways Agency, the devolved Administrations and the salt suppliers to ensure that those parts of the country that need salt the most get it the quickest.

Mr. Nigel Evans (Ribble Valley) (Con): Many of my rural villages have been badly affected by this exceptional dumping of snow. I assume, because we spend millions on the Met Office, that the Government were given several days' advance notice of the exceptional weather conditions. Was not that the time to ensure that the grit got out to rural areas, in particular? The Minister says that there is a storage problem. Many farmers with spare capacity would be delighted to hold that exceptional storage on their farms, which would ensure that these villages could be passable.

Mr. Khan: The hon. Gentleman's final point is a very good one. Some local authorities in rural parts of the country use farm buildings such as barns to store salt. If there are to be further prolonged periods of bad weather over the coming years, the storage of salt will be a big issue and we will need to consider whether we can set up central depots or points where it is stored and can be reached. In October, we surveyed local authorities to find out how much salt each of them had. Those that responded told us that they had at least six days' worth of salt supply. Some of the anecdotal evidence from the experience of colleagues around the country leads me to believe that that was not necessarily the case. We are looking into how much salt some local authorities had and whether they were inaccurate when they told us in October that they had six days' worth, because some clearly did not. The hon. Gentleman raised another good point in relation to advice from the Met Office.

Mr. Philip Hollobone (Kettering) (Con): I am afraid that the Minister did not answer the question from my hon. Friend the Member for Aylesbury (Mr. Lidington), who raised a serious issue. Residents are frightened of being sued if they clear public pavements in front of their property, and shopkeepers are frightened of breaking their liability insurance if they do likewise. Will the Minister consider changing the law to protect residents and shopkeepers who clear pavements in front of their properties?

Mr. Khan: There is no criminal liability, as I understand it. I suspect that the hon. Gentleman is referring to the possibility that somebody could sue for damages because of negligence. I am not sure if he is suggesting that I provide immunity from a civil action under the law of tort. As much as I like to empire-build, I am afraid that I do not have that power or gift at my disposal.

Mr. David Heath (Somerton and Frome) (LD): To bring the Minister back to the sensible things that he said about looking after elderly people, will he use his Department's influence with social housing providers to impress on them their duty of care to elderly and infirm residents of sheltered accommodation to ensure that the common areas of such properties are kept safe? At the moment, they do not believe that they have that responsibility, but I think they do.

Mr. Khan: The hon. Gentleman raises a very important point. I know from my own experience that we can go and help our mum to clear her front pavement, but someone in sheltered accommodation or an older person living by themselves clearly needs some help. I will look into the situation and respond to him directly about what we can do.

Sir Nicholas Winterton (Macclesfield) (Con): There are clearly resource implications resulting from the extreme weather that we are experiencing at the moment. This has nothing to do with party politics; I am sure that whichever party controls a local authority, it will do its best to help local people and businesses. Is there any exceptional emergency fund to assist local authorities that will exceed any budget allocation that they made in respect of salt and grit? This is clearly important, as we need to keep the country running. My constituency has large rural areas, including the Peak District national park. Can any exceptional help be given to local authorities such as mine—Macclesfield and Cheshire East—so that we can keep the area running?

Mr. Khan: The hon. Gentleman makes a good point. Bellwin funding is available, and local authorities know that the Department for Communities and Local Government can assist them in relation to that. There was a recent example of emergency funding being made available in Cumbria following the flooding. I suggest that his council leader speaks to the DCLG or the Department for Transport to see whether sufficient thresholds have been reached in his constituency to judge whether the Bellwin criteria apply.

Mr. Andrew Pelling (Croydon, Central) (Ind): On the first Monday of the cold snap, 25 people reported to Mayday's accident and emergency department with fractures, compared with six at the same time in the previous year, when the weather was somewhat balmier. Will the Minister look positively at what is done by Durham primary care trust, which provides money to the local authority as a preventive measure to ensure that there is more gritting and therefore fewer people turning up at hospital injured?

Mr. Khan: I am happy to listen to good ideas. I would be keen to consider whether the Department of Health and the DFT can work better together and whether lessons can be learned from Durham that can be used in London and other parts of the country. I am happy to go away and look at the hon. Gentleman's suggestion.

Mr. Philip Dunne (Ludlow) (Con): The Minister has referred to Salt Cell—the cross-departmental group of officials responsible for managing the supply chain with the salt suppliers. Is he aware that many councils across the country are concerned that this group is not coping with the situation in which we find ourselves and is not communicating properly with suppliers?

Mr. Khan: I take on board the hon. Gentleman's comments. I can undertake to speak again to the LGA to see whether it has heard any grumblings from local authorities and try to rectify the situation. We do not want local authorities to feel that they have been harshly treated because of the way that Salt Cell operates. That group is there to help to prioritise supplies. I will reflect on his comments, and if there any issues for consideration, I will be happy to speak to him directly or report back to the House at a later date.

Business of the House

12.7 pm

Sir George Young (North-West Hampshire) (Con): May I ask the right hon. and learned Lady to give us the business for next week?

The Leader of the House of Commons (Ms Harriet Harman): The business for the week commencing 11 January will be:

Monday 11 January—Second Reading of the Children, Schools and Families Bill.

Tuesday 12 January—Consideration in Committee and remaining stages of the Personal Care at Home Bill.

Wednesday 13 January—Opposition day [2nd allotted day]. There will be a debate on education, skills and training opportunities for young people in the recession followed by a debate on energy security. Both debates will arise on an Opposition motion.

Thursday 14 January—Topical debate, subject to be announced. To follow, the Chairman of Ways and Means has named opposed Private Business for consideration.

The provisional business for the week commencing 18 January will include:

Monday 18 January—Second Reading of the Crime and Security Bill.

Tuesday 19 January—Consideration in Committee of the Constitutional Reform and Governance Bill (day 3).

Wednesday 20 January—Consideration in Committee and remaining stages of the Fiscal Responsibility Bill.

Thursday 21 January—If necessary, consideration of Lords Amendments to the Video Recordings Bill. To follow, the Chairman of Ways and Means will name opposed Private Business for consideration.

I should also like to inform the House that the business in Westminster Hall for 14 and 21 January will be:

Thursday 14 January—A debate on supporting young people in the recession.

Thursday 21 January—A debate on violence against women.

You, Mr. Speaker, have paid tribute, on behalf of the House, to David Taylor, as did the Prime Minister and the leaders of the Opposition parties yesterday. I should like to add my tribute as Leader of the House. There is an empty space up on that Back Bench today. [Hon. Members: "Hear, hear."] We will miss his contributions, not least at this time every Thursday. The good that he did as an MP will endure in the improved lives of the many, many constituents he personally helped. More widely, the good that he did in this House will endure—for example, his private Member's Bill, the Management of Dementia in Care Homes Bill, laid the basis for, and lives on in, our national dementia strategy. He is a big loss to his family and also to the House.

Sir George Young: May I thank the right hon. and learned Lady for next week's business, and also for what she said about David Taylor, which I strongly endorse? In an age in which the standing of the Chamber has

[Sir George Young]

diminished, and in which the Chamber lies empty for much of the day, he was often assiduous in his attendance and he was an independent contributor to our debates, including, of course, in his regular appearance at business questions. He was a good parliamentarian and will be much missed.

May I thank the staff of the House for ensuring that this place has continued to run smoothly despite the bad weather that is continuing to disrupt the whole country?

Now, when will the right hon. and learned Lady give us the dates of the Easter recess? Those who work in the Palace of Westminster can take a holiday only when we are not sitting, and they need to make their plans for the months ahead. I have been asking for the dates almost every week since October. When will she announce them?

Can the Leader of the House untangle the Government's muddle about the Budget? In a television interview on Sunday morning, the Prime Minister said:

> "I believe there'll be a Budget this spring".

Given yesterday's devastating report from the Treasury Committee, which eviscerates the Government's current plans to reduce the deficit, will she confirm that there will be a Labour Budget in March, and that it will spell out the details of how the Government intend to deal with the financial crisis? Hopefully that will generate more interest among Government Back Benchers than the Second Reading of the Fiscal Responsibility Bill on Tuesday, during which not one Labour MP spoke in support.

When will the House debate the report from the Commons reform Committee? As we saw yesterday during the debate on private Members' Bills, the House is impatient to discuss these issues. During the recent debate in Westminster Hall both main Opposition parties set out their position, but we had no such transparency from the Government. When will the Leader of the House set out the Government's position, and will she now confirm that the debate will be held on a substantive motion ending in a vote?

If the Government intend to amend the Constitutional Reform and Governance Bill, which is due to be debated next week, to implement proposals from the Kelly report, and, as some newspapers have suggested, to include a provision for a referendum on voting reform, will the right hon. and learned Lady give the House an extra day in Committee to consider what is already a large and sprawling piece of legislation?

May I repeat my call, and that of many colleagues throughout the House, for a proper debate in Government time on Afghanistan? The conference on the future of Afghanistan has been scheduled for the end of the month in London. Does the right hon. and learned Lady agree that Members should have their chance to debate the matter in full before that conference, so that they can bring to Ministers the thoughts of their constituents ahead of it?

Finally, looking at the weeks ahead, does the Leader of the House agree with me, and indeed with some of her right hon. Friends, that we cannot go on like this? The right hon. and learned Lady, who is the deputy leader of the Labour party, finally issued a statement of support for the Prime Minister at 6 o'clock last night, saying that Ministers were getting on with the business of government. She was so involved in her own business that she could not even vote yesterday afternoon for a House motion that was tabled in her own name. Is not the truth that instead of a secret ballot of Labour MPs for a new leader, what the country really needs is a ballot of the whole country for a new Government?

Ms Harman: I would like to add to the right hon. Gentleman's comments thanking the staff of the House. The House did not rise until about 11 o'clock on Tuesday, which left it very late for Officers and staff of the House to get home. We ought to pay tribute to them for the fact that the House has continued to operate, not least so that we could hear the urgent question answered today about the efforts that need to be taken to help people carry on with their work as usual during the cold weather.

The right hon. Gentleman asked about the announcements about the recess, which will be made in the usual way. He also asked about the management of the economy. There will be a pre-Budget report debate after business questions, and there will be further stages of the Fiscal Responsibility Bill, allowing all such issues to be debated. We heard the Prime Minister reassure the country again at Prime Minister's Question Time yesterday that we would ensure that we have a secure recovery, that we do not pull the plugs on the recovery, that we tackle the deficit by having fair tax measures and that we make sensible and fair choices about public spending. The public can be reassured that that is the Government's position, even though there is something of a muddle about the matter on the Tory Benches.

As far as the Wright Committee report is concerned, the Prime Minister said yesterday that he welcomed it and that there would be an opportunity for the House to debate and decide on the issues in question. As the right hon. Gentleman reminded the House, we have already had a 90-minute debate in Westminster Hall on 15 December, in which 17 colleagues participated. We made some progress in the motion that the House adopted last night, which he mentioned. We have not stood still, and the direction of travel is clear. It was I who tabled the motion to take the matter forward on behalf of the Government. It is a complex matter on which the Government will have to take views, but it is not for us to dictate to the House on it. It is for us to facilitate progress on a consensual basis, which is what we will do. We want further progress to be made.

As far as the Constitutional Reform and Governance Bill is concerned, we will have to consider whether extra measures should be brought forward to ensure that the House has enough time to debate it on the Floor of the House.

The right hon. Gentleman mentioned the important issue of Afghanistan. I said before Christmas, and reiterate today, that we want to be absolutely sure that the House can hold Ministers to account and that there can be debates so that views can be put forward. A lot of concern was raised in business questions in December about the need to have a substantive debate on Afghanistan in January. Although I have not been able to announce it today, I am aware of the time scale that the shadow Leader of the House pointed out. I reassure colleagues that I am determined that we will have a substantive debate on Afghanistan before the end of the month.

Mr. David Heath (Somerton and Frome) (LD): One of the Members of Parliament who participated in the debate in Westminster Hall that the Leader of the House mentioned was David Taylor. He intervened when I was making my comments, and within a few moments of having made his intervention he passed me a note thanking me for allowing him to contribute. That was typical of the courtesy of the man and his ever-presence and value to the House. He will be very much missed.

On the Wright Committee report, this simply will not do. There is only one thing that the Government have to do: take the page of the report that contains the draft motion and put it on the Order Paper. Nothing else is needed. The Leader of the House says that she is facilitating matters, but she is doing so exceedingly slowly. I ask her to hurry up and simply put that motion before the House, and then I hope we can make progress.

When can we expect a debate on the special report from the Information Commissioner following the veto by the Secretary of State for Justice of the release of Government papers, in contravention of the Information Commissioner's decision and prior to a tribunal hearing? That is unprecedented, and it is necessary for that report, which is to the House, not the Government, to be debated, and for the Secretary of State to justify his actions. When will that happen?

May we have a statement from the Health Secretary on the intention from the beginning of the next financial year to consolidate the assets of hospital charities into the general NHS budget? That is very much resented by those who work tirelessly to raise funds in support of their local hospital. It cannot be right that it is going to happen, and I hope that the House will have the opportunity to express an opinion on it.

May we have a statement from the Chancellor of the Exchequer in due course on the supervisory review of the failed banks by the Financial Services Authority? There is some suggestion that it will not even published, which I hope is not the case. I hope that the Government can assure the House that it will be published and that a statement will be made in the House about its contents, because it is of absolute importance that we understand why the banks got this country into the mess that it is in and that we can assign responsibility appropriately.

Lastly, may we have a statement in due course on bilateral relations between the United Kingdom and Iceland, because there is clearly a full-scale constitutional crisis in that country as well as an economic one? That has huge ramifications for the United Kingdom, not least for the £830 million of taxpayers' money from local authorities that is still to be recovered from that small country with its enormous debts. May we have a clarification from the Government as to what the position is at the earliest opportunity and an opportunity to debate the matter?

Ms Harman: I can assure the hon. Gentleman, as I have the shadow Leader of the House, that we intend to make progress on the Wright Committee's report. I reiterate that that Committee's work was not foisted on us: we actually welcomed the proposal made by my hon. Friend the Member for Cannock Chase (Dr. Wright) to set up the Committee and swiftly brought forward the resolution to establish it. We are grateful for the work that it did, including over the summer recess, and we want to ensure that it is built upon and taken forward.

As far as the freedom of information request and the veto is concerned, there was a full statement on that by the Justice Secretary on—I think—10 December.

Mr. Heath: A written statement.

Ms Harman: I beg the hon. Gentleman's pardon—he is right that it was a written ministerial statement. I think I remember that that statement contained the information that there were something like 16,000 routine FOI requests, of which only two have been vetoed, so it was a very exceptional occurrence, which is why things were spelt out in a written ministerial statement. The framework that is set down by the Freedom of Information Act 2000 was followed as part of that process.[1]

As for charities, resources and the health service, there are Health questions next week, so the hon. Gentleman could look for an opportunity to raise that issue. If his question goes wider to include the funding of charities as part of the contribution to our health services, he might find an opportunity to catch Mr. Speaker's eye in the debate on the pre-Budget report, which will happen immediately after business questions.

On financial regulation, the hon. Gentleman will know that the House has devoted a considerable amount of time—and rightly so—to the question of the regulation of financial services since the global credit crisis was precipitated in the United States. That has meant more work to toughen up the regime of the Financial Services Authority, the Financial Services Bill and international action so that we can work with other countries to ensure that this contagion of a lack of confidence in financial services does not spread with such devastating consequences as it did before. He will know that such things are constantly on the Treasury's agenda, the business Department's agenda and the House's agenda.

On the UK and Iceland—as it happens, the Netherlands is also involved—the UK Government stepped in. That was part of the action that we have taken so that people have not been left to sink or swim during the recession. Just as we have taken action to protect people who are at risk of losing their jobs, protected small businesses and protected people from losing their homes, we have taken action to protect people with deposits in Icelandic banks. That is all part of the action that has necessarily resulted in an increase in the deficit. Who would say that it was not worth increasing the deficit to make sure that we protect not only people's deposits in Icelandic banks, but confidence in financial services by the action that this Government have taken? All those things are part of what has built up the deficit. The next time anybody says that we should not have allowed public debt to rise, they should say where they think we should not have taken the action that has been so important. We will carry on with our bilateral work between not only ourselves and Iceland, but our European colleagues, to make sure that Iceland plays its part in paying back what it owes to the Government and people in this country.

Several hon. Members *rose*—

Mr. Speaker: Order. Twenty-five right hon. and hon. Members are seeking to catch my eye. As always, I should like to be able to accommodate everybody, but short questions and short answers will be required if there is any chance of doing so.

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[1] *[Official Report, 13 January 2010, Vol. 503, c. 7-8MC.]*

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Has my right hon. and learned Friend seen early-day motion 72, on A1 Techsol Ltd, Stockport Road, Manchester, standing in my name and the names of a number of other hon. Gentlemen?

[That this House condemns A1 Techsol Ltd, Stockport Road, Manchester, for having failed to return to a constituent of the right hon. Member for Gorton his UK passport, driving licence, bank statements, security officer's badge and photographs, which they required from him on taking up employment with them, and for ignoring repeated requests from the right hon. Member to return this material to his constituent; regards A1 Techsol's retention of this material as both theft and a breach of employment legislation; calls on the Secretary of State for Work and Pensions and the police to investigate; and meanwhile calls on the public to have nothing whatever to do with A1 Techsol, either as employees or in any other way.]

Will my right hon. and learned Friend ask the Work and Pensions Secretary to investigate the employment practices of that rogue company, and the police to investigate it for possible larceny?

Ms Harman: I congratulate my right hon. Friend on raising this issue, which is obviously of importance in his constituency. I will do as he suggests and raise the matter with the Work and Pensions Secretary, but he will no doubt have the opportunity to refer it to the police.

Philip Davies (Shipley) (Con): Over the Christmas recess, the *Yorkshire Post* reported that the chief constable of West Yorkshire police, Sir Norman Bettison, criticised the fact that burglars were being released from prison early owing to the lack of prison places. May we have an urgent debate about sentencing for burglars and prison places, given that it is causing West Yorkshire police lots of trouble that they otherwise would not have had, and completely unnecessarily creating extra victims of crime, owing to the incompetence of this Government?

Ms Harman: There has actually been a fall in the level of crime since this Government came to office and an increase in the number of offenders brought to justice. No one is released from prison on the basis of a lack of prison places. We have increased the number of prison places—*[Interruption.]* Actually, we have done that with finance that the party to which the hon. Gentleman belongs would have opposed. I will not raise his points with the Home Secretary or the Justice Secretary because I think they are ill-founded.

Mark Fisher (Stoke-on-Trent, Central) (Lab): Returning to the Wright Committee, do we take it that when the Leader of House says that the House will have the opportunity to decide on its report, she is saying that there will definitely be a substantive motion on which the House will have the opportunity to vote? I hope that that substantive motion will be, as the hon. Member for Somerton and Frome (Mr. Heath) said, on the draft resolution in the back of that excellent report. My right hon. and learned Friend is quite right that the Government can take credit for introducing the Committee, but we now want to see its report put into action.

Ms Harman: Yesterday in the House of Commons, the Prime Minister said:

> "We are now discussing these issues and they will form the subject of a debate and decisions by this House."—[*Official Report*, 6 January 2010; Vol. 503, c. 170.]

He was obviously right to talk in the plural because, as the Committee itself acknowledges, a number of decisions will need to be taken by the House. Some proposals require further work before they can be brought to the House, but there will be a number of decisions, and we expect to make progress on them and, indeed, the work that came within the remit of the Wright Committee, which arose originally from the work of the Procedure Committee on the election of Deputy Speakers and the introduction of term limits for Mr. Speaker and Deputy Speakers. Those were passed by a resolution of the House yesterday. We will make progress on this matter—not in one big bang, but we will establish the direction of travel on a consensus within this House. Steps will be taken, and the House will vote to see them put into action.

Mr. John Greenway (Ryedale) (Con): Will the right hon. and learned Lady ask the Secretary of State for Environment, Food and Rural Affairs to come to the House to make a statement on "Food 2030", which was published by the Government on Tuesday morning? It is not available even in the Vote Office, let alone to Members by a statement. Quite apart from that discourtesy to the House, surely we should have a discussion in this Chamber about the document, which talks about the future of farming, food production and the food chain. When so many of our farmers are clearly in real difficulty with the current weather, perhaps we should use the topical debate next Thursday to discuss the document, and the Environment Secretary can answer some questions on it.

Ms Harman: I welcome the hon. Gentleman's interest in what is a very important report. I will discuss with the Secretary of State whether he thinks there should be an opportunity to bring it to the House to debate. I certainly think it raises some very important issues that probably could benefit from wider debate in the House.

Ms Sally Keeble (Northampton, North) (Lab): Does my right hon. and learned Friend agree that the prime area in which Ministers are held to account is here, in the House of Commons? Does she therefore agree that the failure by the Department for Communities and Local Government to field a Minister for last night's Adjournment debate was a basic failure in accountability? As the debate was about discrimination against minority faiths, the lack of a departmental Minister made the point forcefully. What steps will she take to ensure that Departments understand that private discussions in meetings are no substitute for proper parliamentary accountability here on the Floor of the House?

Ms Harman: I agree: if something has gone wrong, Ministers should offer a meeting with the hon. Member concerned—and I understand that that has happened in this case—but that is not sufficient. There is something unique about accountability on the Floor of the House, and that is what a Back Bencher seeks when initiating an Adjournment debate. I am grateful to my hon. Friend the Deputy Leader of the House for taking that debate so ably on behalf of the Government. She is committed to those issues, but she is not the accountable Minister, and that is why I will take this up with the Secretary of State. It should not have happened and we need to ensure that it does not happen again.

Sir Patrick Cormack (South Staffordshire) (Con): May I thank the Leader of the House for what she said about David Taylor, who was such an outstanding Back Bencher?

In the light of Sir Ian Kennedy's comments yesterday, would it not be sensible for the House to make its views known on his proposals so that we do not put the cart before the horse and vote on some Kelly recommendations that Sir Ian may not wish to endorse, bearing in mind that the Independent Parliamentary Standards Authority is now in control?

Ms Harman: There are some residual issues from Sir Christopher Kelly's report that require legislation to fix them firmly in place. We have agreed to bring those forward in the Constitutional Reform and Governance Bill. As for Sir Ian Kennedy's document on establishing the new scheme for Members' allowances, the framework for it was laid down in the Parliamentary Standards Act 2009, which requires consultation with the Speaker and Members of the House, and I understand that Sir Ian has announced a wider five-week consultation with the public on the document through a website. It is now the responsibility of IPSA to take that forward independently. Individual Members can respond to the consultation and we can put forward our views, but Professor Sir Ian Kennedy is responsible for proposing the scheme as chairman of IPSA, and that is what he will do under the framework that has been laid down.

Mr. Gordon Prentice (Pendle) (Lab): Will the Government table their own amendments to the Constitutional Reform and Governance Bill to ban non-doms from serving in Parliament, or will Ministers rely on my amendment?

Ms Harman: That is an important issue, although I was not aware that my hon. Friend had tabled such an amendment. It sounds like a very good idea and I thank him for bringing it to the attention of the House. If he gets the chance to move his amendment, perhaps it will provide an opportunity for those on the Opposition Benches to say whether the deputy chair of the Tory party is actually resident for tax purposes.

Jo Swinson (East Dunbartonshire) (LD): I very much welcome the Leader of the House's warm words about the Wright Committee proposals for reform of the House of Commons, and in particular her suggestion that we will need to go even further and build on them. That is an excellent and necessary idea. As a first step, will she place the Committee's draft motion on the Order Paper for a free vote in this House—yes or no?

Ms Harman: We are consulting the Opposition parties to ensure that the motion that we table has the broadest possible agreement across the House. Of course it will be a free vote, as it is House business, not Government business.

David Cairns (Inverclyde) (Lab): Can my right hon. and learned Friend find time for a debate on the Government's overseas aid policy? She will be aware that a wind of vicious homophobic oppression is blowing through large parts of Africa, including in countries to which we contribute significant sums of aid development money. Other than the routine expressions of outrage that we make in diplomatic circles, can she enlighten us as to what actual leverage we have with some of these countries, such as Uganda and Malawi, that will demonstrate to them the complete unacceptability of the course of action on which they have embarked, as it will see innocent men and women sentenced to life imprisonment or to death just for being gay?

Ms Harman: My hon. Friend raises a very important point. This is a fundamental, basic human rights issue of great concern to the Government and the international community. I will raise his points about overseas aid in that specific respect with the Secretary of State for International Development.

Mr. Stewart Jackson (Peterborough) (Con): May we have a debate on benefit entitlement? We learnt yesterday that Anjem Choudary, the putative leader of Islam4UK which plans a despicable march through Wootton Bassett, is in receipt of £25,000 of benefits, compared with the average wage of our brave soldiers in Afghanistan of £17,000. My constituents do not understand that distorted sense of priorities in our benefit system. Does the Leader of the House agree that we need an urgent debate to talk about such issues?

Ms Harman: If the hon. Gentleman believes that the benefit system has been misapplied in this case, he can bring it to the attention of the relevant authorities. If it is a question of the structure of the benefit system, I suggest that he seeks an opportunity to raise it at Work and Pensions questions and makes his own proposals on how the benefit system should be changed.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): My right hon. and learned Friend may be aware that during the festive period a major holiday provider in Scotland, Flyglobespan, went into receivership, resulting in hundreds of job losses and thousands of families losing their holidays. Will she use her good offices to facilitate an investigation into the circumstances surrounding that company so that we may explore what lessons can be learned and, just as importantly, ensure that the workers' interests are taken into account and the families receive compensation?

Ms Harman: My hon. Friend makes an important point, and I am sure that my colleagues in the Department for Business, Innovation and Skills will be concerned to investigate the circumstances surrounding the receivership of that company. I join my hon. Friend in expressing sympathy to the thousands of families affected and the employees whose livelihoods have been so devastatingly affected.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): May we have an early debate on the situation in Gaza? There is growing concern on both sides of the House about the desperate and deteriorating humanitarian situation, and a debate would allow Ministers from the Foreign Office to explain what they are doing to bring about a change of mind on the part of Egypt, which is currently blocking a humanitarian convoy.

Ms Harman: I am aware of the general intensification of concern about this issue, not least as reflected by the hon. Gentleman and by questions to the Prime Minister yesterday. I shall perhaps discuss with the Foreign Secretary the best way to ensure that the concerns of the House are properly aired and debated, so that he has a chance to respond and the way forward is made clear.

Mr. Tom Watson (West Bromwich, East) (Lab): The hon. Member for East Dunbartonshire (Jo Swinson) leads an impressive campaign for fashion magazines clearly to label doctored and airbrushed images of professional models. I support that campaign and, after the pre-election launches this week, I think that it should be extended to political propaganda. Does my right hon. and learned Friend agree that in the new age of parliamentary transparency there should be no role for Ken Barbie doll politicians?

Ms Harman: I agree with my hon. Friend. I fully support the hon. Lady's excellent campaign. There is nothing wrong with older women, and we do not need airbrushing. I also agree that no amount of airbrushing will conceal the truth behind the Tory tax muddle. It might be a new, airbrushed face, but it is still the same old Tories.

Sir Nicholas Winterton (Macclesfield) (Con): It would be particularly appropriate at this time to have a topical debate on the Met Office, which costs taxpayers about £200 million a year. Surely it is time to stop treating the serial inaccuracy of the Met Office's forecasts as just a joke. It has become a scandal; it looks as if it has been hijacked by the climate change lobby. May we have a topical debate very soon on the subject?

Ms Harman: The problem is not the Met Office but the challenge of climate change. There is a micro-climatic problem on the Tory Back Benches, which perhaps I could refer to the Tory Front Benchers.

Mr. David Drew (Stroud) (Lab/Co-op): On Monday, the Leader of the Opposition paid a visit to the Stroud constituency—a fine place to come to, if I may say so. When asked by a journalist what difference a Conservative MP would make to the people of Stroud and Gloucester, he was quoted as saying:

> "They will make a big difference. They'll do what they say. The problem with the current MPs is they say they're going to defend the Post Office but they go to Parliament and vote against it, they say they're going to defend community health services but they go to Parliament and vote the other way…you would have a bunch of"

Tory—

> "MPs committed to this area."

Given that my right hon. and learned Friend protects the rights of Back Benchers, may I suggest that she tell the Opposition, in the nicest possible way, to get some decent researchers? They could have looked at my voting record. More particularly, would she support my demand for a retraction, so that we can get some honesty back into politics and get people who are straight with the electorate for once?

Ms Harman: I certainly agree with my hon. Friend. It sounds like he is suggesting something like "Ofpol" to monitor the Opposition. They say different things in different parts of the country and different things to the newspapers from what they say in the House. The one consistent thing is that none of it adds up.

Damian Green (Ashford) (Con): In the early days of this bout of bad weather, when the channel tunnel was closed because the trains could not run, Operation Stack was applied. That means that the M20 is closed and used as a lorry park. It happens regularly, and it does not just mean misery for my constituents and others in Kent; it cuts the most important freight route in the country. Given that, could the right hon. and learned Lady arrange for the Department for Transport to come to the House and make a statement? The regular application of Operation Stack is not just a local and regional problem, but a national and serious economic one. For various reasons, it is happening more and more often, and it is time for national Government to take some responsibility for this long-running problem.

Ms Harman: I can see that the issue has national implications, but it might be a good idea for the hon. Gentleman and a group of MPs for the constituencies most directly affected to get together with the responsible Transport and Business Ministers and discuss whether the framework needs to be changed. No doubt the regional development agency would also need to be involved. I suggest that he takes that forward. However, if he wants to make another suggestion, perhaps he can make it to me and I can follow it up.

Tom Levitt (High Peak) (Lab): Will my right hon. and learned Friend urgently arrange for lessons in GCSE geography to be made available to certain Members of the House who do not appear to be aware that when the planet warms up, warm air moves to the poles, pushing cold air down into areas such as ours? Global warming, therefore, produces extremes of weather, both hot and cold. Does she agree that the problem of global warming requires global leadership, and will she assure the House that the Prime Minister will continue to provide that leadership undeterred by recent events?

Ms Harman: We are able to play our part in the global effort to focus on climate change—obviously it has to be tackled nationally as well as globally—only because the Prime Minister and the Government are absolutely clear that climate change is one of the biggest challenges facing the planet, that we understand the science that lies underneath it, and that we are determined to take action to tackle it. I strongly agree with my hon. Friend.

Mr. John Hayes (South Holland and The Deepings) (Con): You will know, Mr. Deputy Speaker, that there was a statement in the House this week on aviation and border security. It included a section on the risk of radicalisation and extremism in our universities. The statement made it clear that

> "the Department for Business, Innovation and Skills has published guidance on managing the risk of violent extremism"—[*Official Report*, 5 January 2010; Vol. 503, c. 30.]—

in higher education. However, it is not clear when that guidance was published. This is a dynamic subject; the risks and intelligence change, and the guidance needs to change too. May we have a statement ensuring that the guidance is updated and published so that Members can see that it is relevant and fit for purpose?

Ms Harman: The Prevent programme, preventing radical extremism, is important not only in the Department for Communities and Local Government but, as the hon. Gentleman said, in the Department for Business, Innovation and Skills, given that it involves issues of further and higher education. There are Business, Innovation and Skills questions next Thursday. Perhaps he will seek an opportunity to raise the issue directly with Business Ministers.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. May I point out that questions are starting to get a bit long? I want to try to get everybody in. We have an important debate to follow, so I hope that colleagues will be as helpful as possible.

Colin Challen (Morley and Rothwell) (Lab): May I draw the attention of my right hon. and learned Friend to my early-day motion 259 on the east coast main line franchise?

[That this House notes with concern the timetable the Government has set for the refranchising of East Coast main line services; and calls on the Government to maintain the East Coast main line in public ownership so that the quality, effectiveness and competitiveness of public ownership can be fully demonstrated.]

May we have an early debate on the subject so that we can get a better understanding of why the Government remain wedded to the idiotic and fanciful privatisation of the railways bequeathed to us by the Conservative party? Many of us hoped that the east coast main line could be a public service comparator, so that we can judge other companies.

Ms Harman: We remain concerned to continue to improve our rail services, including the east coast main line, and I will draw my hon. Friend's point to the attention of the Secretary of State for Transport.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): Concern has been raised across the House about whether the Government actually support the recommendations of the Wright Committee report. The right hon. and learned Lady sought to reassure the House today, which I welcome. On that constructive note, may I ask whether she would be willing to meet a delegation of Wright Committee members to discuss where she feels that the recommendations need building on, so that there is no misunderstanding and to ensure that her motives, and those of the Government, are not misinterpreted in the way that she feels that they have been? Perhaps a meeting next week would suffice.

Ms Harman: The Select Committee recognised that some of the proposals needed more work to take them forward. Above all, I would like to reassure the hon. Gentleman that the Government will facilitate proposals for debate and decision in the House, but there is no way we expect this to become a Government issue. It is a House issue, and we will ensure that we facilitate its ability to look across the piece and make progress on those issues.

Alistair Burt (North-East Bedfordshire) (Con): My constituents are extremely concerned about the quality and speed of communication between major Departments. Yesterday, it seemed to take an inordinately long time for the message to go from the Prime Minister to the Foreign Secretary, "Get out there and say something." In view of concerns about what would happen were there a greater national calamity, can the Leader of the House assure us that communication will be rather quicker in the future?

Ms Harman: The Foreign Secretary is getting out there and doing his job, which is what the Prime Minister, and indeed the whole country, would expect him to do. That is exactly what he is doing.

Mr. Nigel Evans (Ribble Valley) (Con): The Leader of the House will be aware of my early-day motion 529 on the proposed march by Islamic extremists through Wootton Bassett.

[That this House notes that Anjem Choudary, the UK leader of al-Muhajiroun, plans to stage a march through Wootton Bassett town carrying empty coffins as a protest against Britain's presence in Afghanistan; considers that such a demonstration would be a gross mark of disrespect to the soldiers who have died or been wounded in Afghanistan, their families and those who continue to fight on active service in Afghanistan; believes that such a march would cause great distress to those who have lost loved ones; further notes that the Muslim Council of Britain has described the proposed march as 'deplorable'; calls on the Home Secretary urgently to investigate the breaching of public order and other related offences; and urges Wootton Bassett Town Council and Wiltshire Police to ensure that any proposed demonstration that breaches the Public Order Act 1986 be rightly refused.]

Would it be possible to have a statement from the Home Secretary about what powers local authorities and police authorities have in relation to such a march? Does she agree that if the march went ahead, it would be a slight against not only the memory of our heroic servicemen and women returning to the United Kingdom, but the great people of Wootton Bassett who turn out in such great numbers to respect our war dead?

Ms Harman: I very much understand the hon. Gentleman's concerns. I understand that the police have not yet received notification of any such procession taking place. If notification is given, there are powers under public order legislation for the police to impose conditions subject to the consent of the Home Secretary, and indeed to deny the opportunity for the march to take place. The Home Secretary has said that he will look sympathetically on any application made by the police in that respect.

Mr. Philip Hollobone (Kettering) (Con): Residents and shopkeepers up and down the country are frightened of clearing pavements in front of their properties of snow and ice for fear of being sued should any pedestrians fall over on that section of public pavement. During the urgent question, I asked the Transport Minister if he would look at changing the law to protect residents and shopkeepers in such cases, and he said that he had no power to do so. Will the Leader of the House ask the Justice Secretary to make a statement about how the law could be changed to protect residents and shopkeepers in such circumstances?

Ms Harman: The Transport Minister was saying that people should be protected from the unreasonable fear, which is not founded on reality, that if they look to protect the forecourt of their business or help their

[Ms Harman]

neighbours they will be sued. The health and safety laws are important for protecting public health—for example, in the E. coli outbreaks that we have seen in city farms and suchlike. Those on the Opposition Benches are quick enough, if the public are not protected, to expect the Government to have effective regulations in place to protect them. However, nobody should go round encouraging the notion that there are nonsensical provisions waiting to entrap people who are using their common sense. There are not. I therefore assure the hon. Gentleman's constituents, as the Transport Minister did, that everybody can do what is commonsensical. If it is commonsensical, we can be pretty certain that it will be absolutely within the law.

Mr. David Gauke (South-West Hertfordshire) (Con): May we have a debate on the timeliness and clarity of ministerial responses? All Members from time to time have concerns about responses to parliamentary questions or correspondence with Ministers. However, I am thinking in particular of the delay of some hours yesterday among senior Ministers, including the Leader of the House, in responding to the simple question of whether they supported the Prime Minister, and of the equivocal and evasive nature of many of their answers.

Ms Harman: All the statements that have been made have been made on numerous occasions, including yesterday. I am going to continue with my view on such questions, which is that I do not respond to them when we are being asked about the business of the House.

Mrs. Maria Miller (Basingstoke) (Con): Some 2,500 of my constituents and those of my right hon. Friend the shadow Leader of the House have been without electricity over the past two days as a result of the adverse weather, and this in a period of sub-zero temperatures. We urgently need a broader statement from the Government on how the severe weather is being handled. Indeed, I find it extraordinary that the Government should have relied on a Conservative urgent question, tabled today, for the problem to be discussed in the House.

Ms Harman: I do not think that it matters where an urgent question comes from. If it is an important urgent question, on which Members from all parts of the House want to join in and ask questions, and if it is granted by the Speaker, it can be a positive contribution to debate in the House. It is no skin off anybody's nose for that to happen. There will be an opportunity next week to discuss energy security on an Opposition day motion. In anticipation of that debate, I can say that the National Grid Company has said that because of the cold weather there is unprecedented demand on our energy supplies, as one would expect, but that it is confident that supplies will be sustained. Indeed, the important work of repairing energy lines that are affected by falling trees cutting energy supplies is also an issue. However, there is no reason why there should not be an opportunity to ask questions in the meantime, and to debate them further next Wednesday.

Mr. Andrew Pelling (Croydon, Central) (Ind): Does the Leader of the House share my concern that 4,600 households in Shirley, Croydon were without power during this cold period? Unfortunately, the problem is not just weather-related, because there were cuts on Christmas eve and on previous days too, when the weather was clement. Does she think that I will be able to get away with dealing with this Croydon issue in a debate on energy security?

Ms Harman: I suggest that the hon. Gentleman raise the issue directly with the relevant Ministers. I will alert them to the fact that he wants to raise the issue on behalf of his constituents and see whether he can deal with it by correspondence, a meeting or further discussion.

Point of Order

12.53 pm

Philip Davies (Shipley) (Con): On a point of order, Mr. Deputy Speaker. Earlier in business questions, which I am sure you were following avidly, the Leader of the House clearly said that nobody had been released from prison early because of overcrowding. That is surprising, given that the Government introduced a scheme that releases all prisoners 16 days early from prison, specifically because prisons are overcrowded. Given that people following proceedings in the House or reading *Hansard* should be able to rely on the accuracy of the things said here, particularly by those on the Government Front Bench, can you ensure that the Leader of the House corrects the record, so that people are not misled about the state of play with regard to prisoners being released from prison?

Mr. Deputy Speaker (Sir Alan Haselhurst): No, I cannot. However, if the Leader of the House wishes to catch my eye, further to the point that the hon. Gentleman has raised, which is not strictly a point of order, I am sure that she will try to help.

The Leader of the House of Commons (Ms Harriet Harman): Further to that point of order, Mr. Deputy Speaker. I am grateful to the hon. Member for Shipley (Philip Davies) for bringing that issue to my attention. What I meant was that nobody is released outwith the framework that the Justice Secretary has presented to the House in respect of the overall approach to the provision of early release, which is a well established pattern that has been followed not only by this Government, but by previous Governments.

Mr. Deputy Speaker: I am grateful to the Leader of the House. I hope that everyone is clear and happy about the situation.

Pre-Budget Report

[Relevant documents: The Fourth Report from the Treasury Committee, Pre-Budget Report 2009, HC 180; and the Third Report from the Joint Committee on Human Rights, Legislative Scrutiny: Financial Services Bill and the Pre-Budget Report, HC 184.]

12.55 pm

The Chief Secretary to the Treasury (Mr. Liam Byrne): I beg to move,

That this House has considered the matter of the Pre-Budget Report.

I welcome the chance to open today's debate, the first on the pre-Budget report. I welcome it because decisions as significant as these should be tested in debate, so that the House and the public whom we represent can see clearly where each party stands and, amidst the arguments that we have in the media and elsewhere outside, where the policy of each party really rests.

We on the Government Benches are very clear about where we stand. We stand on the side of workers, businesses and home owners, who need protection from the worst global recession in 60 years, and for locking in recovery. We stand for taking the difficult decisions that will be needed to halve the deficit over the four years to come, while protecting our priorities for public services. We also stand for investing in growth, new jobs, new industries and new infrastructure that together will be vital in balancing our economy better in the years to come.

I hope that the crispness and clarity of our position in this debate will be matched, especially by the Opposition. This week, policy pose after policy pose has given way to position after position, sometimes with up to three difference stances in one afternoon. However, credit where credit is due: the Opposition are nothing if not nimble, as they hop madly between constituencies that they are so desperate to please. We will have none of that on this side of the House, so let me use the few minutes allotted to me this afternoon to set out some of the measures that my right hon. Friend the Chancellor presented before Christmas.

Kelvin Hopkins (Luton, North) (Lab): To reinforce the points that my right hon. Friend has just made, has he seen page 24 of *The Guardian* today, which says, "Demand for gilts at its highest for nine months," and "Service sector recovery raises hopes of end to UK recession"? The Government must be getting something right, and the Tories must be completely wrong.

Mr. Byrne: I am grateful to my hon. Friend for bringing page 24 of *The Guardian* to the House's attention. I will address some of those points shortly.

Mr. Andrew Tyrie (Chichester) (Con): Will the right hon. Gentleman give way?

Mr. Byrne: I will give way in a moment.

The first objective of our policy as set out in the pre-Budget report is, of course, to secure the recovery. When we look back over the year that has passed, we are glad that we ignored the idiosyncratic advice proffered by the Opposition and, instead of doing nothing, as they suggested, chose to act: to rescue the banking

[Mr. Byrne]

system from the brink of collapse; to cut VAT; to invest £5 billion in jobcentres, which have helped 3 million people out of unemployment in the past year; to introduce measures to allow families to stay in their homes, helping to ensure that repossessions are two times lower than in the 1990s recession; and to set up the Time to Pay scheme, which has helped more 160,000 businesses to spread their tax payments over a timetable that they can afford, helping to keep insolvency rates three times lower than in the 1990s.

In the pre-Budget report, the Chancellor forecast a return to growth, but as we know, over the next period unemployment may continue to rise in the short term. So to lock in the recovery, the Chancellor said that he was able to do more: by extending the Time to Pay scheme for as long as it is needed; by deferring the proposed increase in corporation tax for smaller companies, leaving the 2010 tax rate unchanged for nearly 900,000 small businesses; by freezing support for mortgage interest at 6.08 per cent. for six months more, to help people who are worried about their mortgage payments; and, perhaps most importantly, by ensuring that every 18 to 24-year-old who has been out of work for more than six months is offered the chance of a job, training or community service.

However, the second point made by the Chancellor in the pre-Budget report is about looking ahead—to the years beyond 2010 and the return to growth and prosperity in the years to come. I am afraid that those years of growth will not be years without difficult decisions—indeed, they will be full of them—and especially not without the decisions needed to halve the deficit and protect our priorities in public services. We have said that, in our judgment, the right time frame over which to execute this difficult decision is the 48 months up to the end of 2013-14.

Mr. Greg Hands (Hammersmith and Fulham) (Con): I want to ask the Minister about the exchange on this subject during Prime Minister's Questions yesterday. The Prime Minister said:

> "We have published a deficit reduction plan".

He went on to say:

> "It includes cuts in some of the major Departments".—[*Official Report*, 6 January 2010; Vol. 503, c. 162.]

Can the Chief Secretary tell us where in any published Treasury document we can find details of those departmental cuts?

Mr. Byrne: Let me explain that in detail in a moment.

It is fair to say that the Conservatives have questioned our judgment that four years is the right time frame over which to halve the deficit, but their questioning has been in the style and manner of rather open-ended, slightly ponderous thinking aloud. They have not offered an alternative proposition, such as reducing our four-year time frame to three. They know what the price of such a move would be, and they seem unsure whether they want to pay it.

Mr. Philip Hollobone (Kettering) (Con): It is not only the Opposition who are questioning the Government's debt reduction plans. The bond markets around the world are also doing so, and I was alarmed to read yesterday that the world's biggest bond house, PIMCO, which is based in the United States, has said that there is an 80 per cent. chance of Britain losing its triple A sovereign debt rating. That would result in increased mortgage and borrowing costs for the whole UK economy.

Mr. Byrne: That is an important point that I will address directly in a moment.

First, let me return to the question of the level of detail, because the House is right to ask how the sums will add up in 2013-14. In framing my remarks, I should like to draw on the excellent report from the Treasury Select Committee and the evidence presented to the Committee by the Chancellor and by Her Majesty's chief economic adviser.

Our judgment is that the deficit must fall from £178 billion this year to £96 billion in 2013-14, a fall of £82 billion. We anticipate that £25 billion of that sum will come from growth, and the return to business as usual, including the reversion of the VAT rate, but, as the Chancellor said to the Treasury Committee, £57 billion must come from discretionary action—in other words, decisions. As the chief economic adviser said to the Committee, we have decided to deliver two thirds of that sum through spending, and one third through new taxes. On decisions on tax, we have set out plans to raise £19 billion from new taxes, which we have sought to introduce in a fair way by ensuring that 60 per cent. of them are paid by the top 5 per cent. of earners in this country. That leaves £38 billion to be secured from spending cuts.

Capital investment must fall, as it safely can, from today's historically unprecedented level. In the 2008 pre-Budget report and the 2009 Budget, we announced substantial reductions to the overall capital spending budget, and that is set out on page 189 of the pre-Budget report book. Yes, Departments will have to cut back, which is why we have reduced our plans for current expenditure from 2011 onwards.

That is why this pre-Budget report, together with the command paper "Putting the Frontline First", announced £20 billion of cuts and efficiencies. If the House will bear with me, I think that it will be helpful if I run through them. They include: £8 billion to be delivered by 2012-13, identified across the public sector through cutbacks in Whitehall through the operational efficiency programme; £600 million from the greater use of online systems to deliver public services; £650 million from cuts in consultancy, marketing and communication spending across government; £550 million from cutting back on quangos and arm's-length bodies; £550 million from local government, including reducing the costs of inspection; £140 million from cutting senior civil service costs by 20 per cent.; £1.4 billion from ending temporary employment measures as unemployment falls; £850 million from delaying things that can wait, or from cutting back systems such as the NHS IT programme; £900 million from asking businesses and students to pay a little more for training; £360 million from reforming the criminal justice system and legal aid; and £730 million from focusing regeneration and transport spending on areas where it is needed most.

Of course, to this sum may be added the windfall of lower unemployment. For the purpose of the PBR, we made the extremely cautious assumption that unemployment would not fall. In fact, if unemployment does indeed come down, as we expect it to, the benefits bill will be billions of pounds lower. It is also possible that, as the economy grows faster—as the Bank of England has projected—there will be further fruits of growth in the years to come.

The House will rightly ask how such windfalls will be put to use. I will state the position bluntly, by repeating what the Chancellor said to the Treasury Committee. He said that, in the event that growth turns out to be more robust than in his forecast, borrowing would naturally fall faster, and that it would then be possible to reduce the structural deficit further in the medium term.

Derek Twigg (Halton) (Lab): I received some figures this morning from my local authority. They show that, in August 1985, the youth unemployment rate was 19.1 per cent. My right hon. Friend has made a good point about people getting back into work and no longer claiming benefit. We have to have cuts and efficiency savings, but we do not want to go back to those unemployment rates. I urge him to ensure that we have continual growth to provide jobs, particularly for our young people.

Mr. Byrne: My hon. Friend is absolutely right. The fact that unemployment is so much lower now is a result of many of the actions that we took to ensure that businesses had flexibility over cash flow and that there was guaranteed new help for young people after nine months. We were, however, conscious of the need to do more than that, which is why we said in the pre-Budget report that no young person should be out of work for longer than six months without being offered a job, training or community service.

Sir Nicholas Winterton (Macclesfield) (Con): I want the Government's plans to succeed and the economy to grow, but will the Minister now deal with the question most appropriately put by my hon. Friend the Member for Kettering (Mr. Hollobone)? Would not the plans that the Minister has announced be derailed if our huge deficit caused a loss of confidence in the international monetary market and our credit rating was reduced, with all the horrors that would result from that? Will the Minister now deal with that question, because it is critical to what he is saying now?

Mr. Byrne: I am going to ask for the hon. Gentleman's patience for just a minute or two longer while I make one further point.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): Will the Minister give way?

Mr. Byrne: I will address this point before I give way.

The pre-Budget report set out plans to rebalance our economy in the years to come. In the Budget, we said that we would do this through fair tax increases and the tighter control of public spending, to ensure that long-term interest rates were kept low. That point has often been made by the hon. Member for Runnymede and Weybridge (Mr. Hammond). There are now great strengths on which we can build in the years to come. We have low interest rates and low inflation. We also have the most flexible labour market in Europe, the lowest rate of corporation tax in the G7 and a competition regime that is among the best in the world. That is why we are judged to be one of the best places in the world in which to do business and to attract inward investment.

The pre-Budget report develops those strengths. It sets out how we will maintain our leadership in the low-carbon sector, how we will boost investment in our national infrastructure and skills, and how we will support our world-class high-tech industries. Over the next year or two, we will extend by £500 million the amount of lending available to small and medium-sized enterprises, through a 12-month extension of the enterprise finance guarantee scheme. We have created a new growth capital fund, with a new £325 million. We have created Infrastructure UK, which will help to accelerate private sector investment in new infrastructure. We are proposing to introduce a patent box, which is a reduced rate of corporation tax applying to income from patents from April 2013. We have also proposed £200 million for the strategic investment fund, of which £150 million will be routed to support low-carbon investment. We are doubling the UK's commitment to funding carbon capture and storage demonstration sites from two to four. We are increasing support for low-carbon vehicles and setting out additional funding for low-carbon industries and energy efficiency, including Warm Front. Those are all policies—indeed, all ambitions—in which the Conservative party has little interest.

Mr. Philip Hammond: The Minister has moved swiftly on from the question that the hon. Member for Halton (Derek Twigg) asked him, but, before we lose the point, will he confirm that youth unemployment in Britain is now at a record high level?

Mr. Byrne: Youth unemployment, in my view, is too high, but the hon. Gentleman will recognise that something like 200,000 to 250,000 of the numbers in the current count provided by the International Labour Organisation include those in full-time education who may be looking for part-time work. The hon. Gentleman is wrong to bandy around figures in headline terms in a debate such as this without setting out some of the detail.

Several hon. Members *rose*—

Mr. Byrne: Let me deal with the points about bonds, which were raised by the hon. Member for Kettering (Mr. Hollobone), after which I will give way again.

I hope that over the hours to come, we get a chance to explore some of the myths thrown around during the last week, starting perhaps with the most important question of whether our plan to cut the deficit is fast enough. Is it fast enough, for example, for the people who buy our bonds? We have heard a lot about the intentions of PIMCO and some of the quotations bandied around the House to date have, of course, been a bit selective and one-sided, if I may say so. PIMCO, reflecting on the flight to safety that brought buyers to UK bonds and brought gilt rates so low is naturally thinking about divestment into riskier assets as the world economy returns to its former state. This is not a new notion, as that was said last July.

Is the plan fast enough for the Governor of the Bank of England? The shadow Chancellor is fond of quoting the Governor. The shadow Chancellor is not in his place.

Mr. Simon Burns (West Chelmsford) (Con): Neither is the Chancellor.

Mr. Byrne: No, indeed. In fact, the full answer from the Governor of the Bank of England on this question paints a very different picture. He gave his answer in evidence to the Treasury Select Committee, saying:

> "It is certainly true that if you eliminate the deficit too aggressively it will have an adverse consequence."

He went on to say:

> "You have to take action to bring down the deficit of the size we have—it is a very large structural deficit—but to do so at a rate that is consistent with the restoration of growth in the economy".

That is why we propose to reduce the structural deficit from 9 per cent. to 3.6 per cent. in the space of just one Parliament.

Is our deficit reduction plan fast enough for the ratings agencies? Again, their views are sometimes traduced in this House, but the reality is that in Moody's analysis published last month, both the US and the UK triple A ratings are described as "resilient"; all three rating agencies have acknowledged the UK has access to particularly deep and liquid capital markets; and on perhaps the ultimate test of demand, gilt auction performance remains strong. Ten-year gilt yields averaged over 11 per cent. in the 1980s; they are now around 4 per cent. I hope that all these arguments and more are debated this afternoon.

If I were forced to characterise this pre-Budget report, I would say that the sweep of its ambition is matched by the depth of its detail. In the debates that we have had—not only in this place, but in the media and elsewhere, and particularly in the debates the hon. Member for Runnymede and Weybridge and I have had late at night in TV studios around London since 9 December—I am sure that you, Mr. Deputy Speaker, will have been struck like me by the sheer contrast between 212 pages of detail on specific, pressure-tested proposals and the vacuous nonsense of the Conservative party.

Several hon. Members *rose*—

Mr. Byrne: Before I conclude, I will give way to hon. Members.

Mr. Andrew Pelling (Croydon, Central) (Ind): Because of the impact on the economy, I applaud the Government's cautious approach towards reducing the fiscal deficit, but what is the estimate of the reduction in economic growth that will result from the proposed reductions in spend in the pre-Budget report?

Mr. Byrne: The growth forecasts that we have set out are the basic answer to that question. There is, of course, a degree of uncertainty about the future path of growth for our economy. The independent forecast is different from the forecast that the Chancellor presented, while his forecast is rather lower than that presented by the Governor of the Bank of England. It would be difficult, especially this afternoon, for me to decouple these projections for the public finances and those presented for growth.

Mr. William Cash (Stone) (Con): The Treasury Select Committee criticised the temporary operating rule, which in turn, in line with the pre-Budget report of 2009, has been followed by the Fiscal Responsibility Bill, debated yesterday, to implement those provisions. That includes the code for fiscal stability, the principles of which are set out—including the principle that

> "the Government shall publish sufficient information to allow the public to scrutinise the conduct of fiscal policy".

This includes debt, and provision is made for the definition of debt. I am sure that the Minister will understand it when I say that organisations such as PIMCO and others that are working out the degree of credibility they can ascribe to the Government's position will take account of whether the definitions and the actualité, as they say, of net borrowing are actually true. The Minister knows that we do not agree on that, so is he prepared to spell out the definition of net borrowing? I asked his Front-Bench colleague the same question yesterday and she did not or could not answer. Will he do so now? What is net borrowing?

Mr. Byrne: I seem to remember that the hon. Gentleman intervened on the Chancellor earlier in the week, so it will not surprise him to learn that I have nothing to add to the Chancellor's excellent answer provided to the hon. Gentleman at that time.

Mr. Cash: Give me an answer.

Mr. Byrne: The hon. Gentleman asks me to go further than the Chancellor's position, which was set out—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sorry to interrupt the right hon. Gentleman, but the hon. Member for Stone (Mr. Cash) should not pursue the answer that he has been given by calling from a sedentary position—irrespective of whether or not he is satisfied with that answer.

Mr. Byrne: Thank you, Mr. Deputy Speaker.

Stewart Hosie (Dundee, East) (SNP): Given that the earlier intervention was not answered at all satisfactorily, the Chief Secretary must be able to tell the House what the suppression of gross domestic product growth will be as a result of £57 billion being taken out of the economy—£20 billion as a result of tax rises and £40 billion as a result of spending cuts. To homogenise it altogether in a global growth figure is really not good enough. That is a heck of a lot of money out of the economy, so surely the Government must know the impact of it on the suppression of GDP growth.

Mr. Byrne: I am trying to avoid taking the House through what would be a quite complicated economic equation, which no one will be surprised to hear I have not brought with me this afternoon. The hon. Gentleman is looking at only one side of the argument. He will know that when we have such a large structural deficit because of the action we have taken to protect the country from the worst of the economic storm, it is vital to set out for members of the public and for taxpayers, as well as for people who buy our bonds, exactly how we plan to reduce that deficit. We have set out the fastest deficit consolidation plan in the G7. Without that clarity in place, it would be quite possible for long-term interest rates to begin to rise, which would also be damaging to the success of investment in this country in the years to come. The Chancellor has thus set out a central scenario, clarifying what we think is the right judgment to make on public finances and what the consequences for growth will be.

Mr. Philip Hammond: I wonder whether part of the disagreement between us is definitional. The Chief Secretary has said that some of the structural deficit we face is the result of the actions taken by the Government to protect people and citizens from the effects of the recession. In my definition, that is part of the cyclical deficit we face, not the structural deficit. Can we be clear about that?

Mr. Byrne: I apologise for mis-speaking earlier, but the point I was making is that the plan we have presented involves a rapid—indeed, the most rapid of any G7 country—reduction in the cyclically adjusted deficit: from 9 per cent. this year to 8 per cent. next year and then down to 5.8 per cent. in 2011-12, when we anticipate the economy growing above trend.

I conclude by saying that I feel very strongly that this pre-Budget report constitutes 212 pages of great detail, which is in complete contrast to the plan—if it can be so characterised—presented by the Conservative party. The truth is that the Conservatives have been love-bombing every audience they can find within easy reach of a press conference, and with that love-bombing has come a new lexicon of ambiguity. Thus, instead of a straight "promise", we now have a "pledge", an "aspiration", a "commitment" or a "No. 1 priority".

This morning the Leader of the Opposition continued his careless whispers, reassuring listeners to the "Today" programme. He said that he would have to be tough and pull back from the Conservatives' guarantee of 45,000 single rooms in the national health service. It could not be a pledge, he said, but he told the listeners not to worry, because "it is an aspiration". It seems that the Conservatives now cannot stop adding to their now famous "queue" of commitments. We all remember what a Tory queue looks like. We used to call them waiting lists, and they were so long that people often expired before they reached the front.

The Conservatives' "all things to all people" policy has left them with a £34 billion credibility hole that they cannot airbrush away. If the Shadow Chancellor spent more than 40 per cent. of his time on economics, perhaps the hon. Member for Runnymede and Weybridge would not be in such an embarrassing position this afternoon; but he is, and the whole House is looking forward to seeing whether he can climb out of the hole in which his party leaders have left him.

1.20 pm

Mr. Philip Hammond (Runnymede and Weybridge) (Con): I shall try to match the Chief Secretary's brevity, although I came prepared for Members of the House to be a bit thinner on the ground. Evidently not all experienced the same difficulty that some of us encountered in battling through the snow to get here.

This is the first opportunity that the House has had to debate the pre-Budget report, the last important economic statement made by the Government before a pre-election Budget which markets will rightly discount. Given the critical state of the public finances, the huge borrowing requirement that must be met, and the fragility of confidence in the United Kingdom economy and United Kingdom Government debt in particular, we would have expected the Government to use this opportunity to send a powerful and unambiguous signal to investors and lenders alike of their determination to get the deficit under control.

Listening to the Chancellor and the Prime Minister yesterday, and to the Chief Secretary, one would think that the global financial crisis caused the meltdown in Britain's public finances, but that is not what has happened. According to the Treasury's figures, the economic recession accounts for about a quarter of Britain's deficit—that is the cyclical part of the deficit, which economic recovery will eventually eliminate—but three quarters of it is structural, and requires a structural response. The truth is not that the financial crisis has caused the fiscal crisis, but that for many years the global financial boom masked the scale of the underlying fiscal problem as this profligate Government spent the tax receipts that were the proceeds of a series of bubbles in financial assets, and property in particular, as if they were permanent features of the economic landscape. The real structural crisis that needs to be addressed is not caused by the Government's support for the banking system, as they like to imply. In fact, none of this year's £178 billion deficit is directly attributable to support provided for the banks.

The pre-Budget report was the Government's last chance to set out a credible path to fiscal stability, to put our economy back on the road to sustainable growth and enduring prosperity, and to ensure our triple A credit rating. They blew that chance, and now the country knows beyond doubt that only a change of Government can deliver the economic change that Britain needs. The present Government have shown themselves to be unfit for office by shirking their task in the nation's hour of economic need.

Mr. Byrne: I am following the hon. Gentleman's remarks with great interest, and I am grateful to him for giving way so early in his speech. He appears to have changed tack slightly in his critique. For some months he has been saying that we should move faster in reducing the deficit. Is he now accepting that four years is the right time frame within which to halve it?

Mr. Hammond: It sounds as though the Chief Secretary has not been listening over the last few months. We have consistently said that we need to start earlier: we need to start reducing the fiscal deficit in the coming year. As he will know, if he has his calculator with him, starting earlier would have a compounded effect throughout that four-year period, and would make a greater impact on the deficit.

Kelvin Hopkins: Will the hon. Gentleman give way?

Mr. Hammond: I will, but then I must make some progress.

Kelvin Hopkins: The Conservatives are constantly harping on about borrowing and debt, but the truth is that our gross national debt is still below that of France and Germany, and about half that of Italy and Japan. There is no need for panic. May I suggest that the Tories are trying to make the Government panic simply for electoral advantage, rather than for the benefit of the country?

Mr. Hammond: I think that if anyone is running policy for electoral advantage, it is to the Chief Secretary that the hon. Gentleman should address himself.

[Mr. Philip Hammond]

The hon. Gentleman is, of course, right about debt. The issue here is the size of the deficit, and the speed with which we are increasing our debt. Ultimately, all of us in this place can talk as much as we like about the debt and the deficit, but what matters is what the people who must finance that deficit, and must continue to finance that debt, believe about the situation and whether we are moving fast enough to deal with it.

Mr. Byrne: Will the hon. Gentleman give way?

Mr. Hammond: I will, but then I must make some progress.

Mr. Byrne: I am enormously grateful to the hon. Gentleman. He will know that our projection is a reduction in the cyclically adjusted deficit from 9 per cent. in 2009-10 to 8 per cent. in 2010-11, but he seems to be saying that it should be falling still faster. What figure does he propose?

Mr. Hammond: I am afraid that I am not going to oblige the Chief Secretary. In fact, I think I will adopt the strategy that he adopted in response to the question put to him by my hon. Friend the Member for Stone (Mr. Cash). The day before yesterday, the shadow Chancellor answered the precise question that the Chief Secretary has just asked. I will do what he did in response to my hon. Friend, and refer him to that answer.

Mr. Cash: Will my hon. Friend give way?

Mr. Hammond: Very briefly; then I must make some progress.

Mr. Cash: We seem to be going in circles. Does my hon. Friend agree that, contrary to the assertion made by the Chief Secretary, my hon. Friend the Member for Tatton (Mr. Osborne) made it clear that in our estimates of net debt we would include matters such as the private finance initiative, Network Rail and public pensions? Is it not the Government's failure to arrive at the truth of this matter that is undermining their arguments about what the deficit is, and thereby undermining the credit risk rating and the bond markets?

Mr. Hammond: My hon. Friend has made a good point, although it is a slightly different point from the one that the Chief Secretary was making to me. Issues relating to definition of the net debt are indeed part of what is undermining the United Kingdom's credibility in international markets.

Divided Governments are weak Governments. In the run-up to the pre-Budget report we saw acrimony and division within this Government, and since the PBR some may have noticed a degree of continuity in that trend. We have observed the Schools Secretary and the Chancellor playing cat and mouse with each other in public over the education budget, the Work and Pensions Secretary accusing the Chancellor of "astonishing" mistakes—I wonder where she got that idea from—the Health Secretary insisting that his budget would be protected, the Transport Secretary implying that he would resign if railway capital spending was cut; and, all the time, the Chancellor's options being narrowed by the manoeuvring of the Prime Minister and his allies—or perhaps I should say "ally"—intent on creating political dividing lines rather than solving the underlying fiscal problem.

Yesterday the Deputy Prime Minister, in what was billed as a speech reasserting his support for the Prime Minister, instead comprehensively undermined the Prime Minister's economic strategy, making it clear that he, at least, understands that economic recovery cannot be built on more borrowing and more public spending—hence his decision to let it be known that he was "incandescent" about the content of the pre-Budget report.

Following those internal semi-public debates within the Government may be great fun for Opposition politicians and journalists in the Westminster village as they seek to identify the winners and losers of each round, but the real losers are the people of Britain and the only winners are the hedge funds, which are quick to spot weakness and indecision and which are now openly speculating against our currency and our sovereign debt.

Kelvin Hopkins: I thank the hon. Gentleman for giving way again. Is it not the case that the massive cuts proposed by the Tories would simply drive up unemployment and make the crisis worse?

Mr. Hammond: I wonder whether the hon. Gentleman has made a mistake, and intended to address that question to the Chief Secretary.

There is a fact here that we must all face: whoever is in government after the next general election will have to cut public spending. Surprisingly, even the Prime Minister on a good day—*[Interruption.]* The hon. Member for Luton, North (Kelvin Hopkins) does not agree that it will be necessary to cut public spending after the next general election. I think that puts him in a very small minority in the House. We will leave him with his thoughts and perhaps those of the little group around him, but he is well out of the mainstream of current thinking.

Several hon. Members *rose—*

Mr. Hammond: I will give way in a moment.

The fact is that this Government are being driven not by the needs of the economy and the medium and long-term best interests of the British people, but by the needs of the Labour party and the insistence of the Prime Minister and the Schools Secretary that the scale of the fiscal problem, the challenge of dealing with it and the true price of not dealing with it are to be concealed at all costs from the British public until after polling day. No price is too high to pay, provided the bill does not arrive until 7 May. No burden is too heavy to bear if it is the Prime Minister's successor who will bear it.

That is the most systematically reckless, cynical and dishonest strategy for dealing with a fiscal crisis that anyone in the House will be able to recall. It compares very unfavourably with the stance of my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), who as Chancellor in 1995 and 1996 insisted on pursuing the policies that were right for Britain's long-term economic health, not those that would deliver short-term illusions of success, however tempting that may have been electorally.

Britain's fiscal history over the past decade and a half is pretty simple. My right hon. and learned Friend created the golden legacy of low inflation, stable growth and falling unemployment, a legacy that the current Prime Minister inherited in 1997. He exploited that legacy to create a formidable image as a "prudent" Chancellor even while he was pumping up the bubble that was the root cause of the fiscal crisis that we now face. However, when the legacy ran out, he carried on spending, focused as always resolutely on the short term, spending the proceeds of his unsustainable bubble and then borrowing some more—spending and borrowing his way through the illusion of a boom. Apparently, that is his idea of building an economy that is best placed to withstand the slow-down and ready to lead the world out of the recession.

Paul Farrelly (Newcastle-under-Lyme) (Lab): The reality is that the so-called golden legacy was an accidental consequence of sterling's ejection from the European monetary system in the early 1990s after a previous unsustainable bubble. The hon. Gentleman wants to deal with facts and figures. What estimate has he made, given that the Conservatives want to cut faster, of the effect of that on domestic demand and therefore on the recovery of our economy?

Mr. Hammond: We come to the crux of the disagreement between us and the Government. If there were no factors other than the level of demand implied by fiscal stimulus, the hon. Gentleman would have a point, but the fact is that what has kept Britain going through this recession and what will see Britain grow in the recovery are continued low interest rates and relatively loose monetary policy. We do not have an automatic option of maintaining a fiscal deficit at the level that the Government would like to maintain and still being able to keep monetary policy as loose as it is now. That is the crux of the disagreement between us. In my view, there are many members of the Government who understand that perfectly well, but the Prime Minister has chosen, for electoral reasons, to ignore those voices and to insist that he maintains his fiscal stance until after the general election.

Phil Wilson (Sedgefield) (Lab): The Government say that we will cut the deficit over four years. Under the Tory policy, how long would it take to cut the deficit in half?

Mr. Hammond: I have indicated to the hon. Gentleman that we would expect to start the process of cutting the deficit, or of reducing Government spending, in 2010-11. This Government are proposing to go on increasing Government spending. The cumulative impact of starting early, even in a modest way, is quite significant. Of course, Labour Members want to try to reduce this to a very simple issue. It is a complex balancing act. I totally accept that. Reducing the deficit is going to have to go on over many years until we get ourselves back into balance. It can go a little bit faster if the economy is growing more strongly. It needs to be mindful of the monetary policy position that the Bank of England is able to offer at any given time. It needs to be mindful of wider macro-economic circumstances.

Mr. Pelling: Will the hon. Gentleman give way?

Mr. Hammond: I will in a minute. I must make a bit of progress and then I will give way to a few more Members.

Mr. Michael Meacher (Oldham, West and Royton) (Lab): Will the hon. Gentleman give way?

Mr. Hammond: I want to make a bit of progress and then I will happily give way again in a few moments. The Chief Secretary has wrong-footed me by being so surprisingly brief and I do not want to spend all my time taking interventions.

We have ended up where we are today: the only country in the G20 not yet out of recession—the Chancellor confirmed that on Tuesday—running the biggest deficit in the industrial world, unemployment at nearly 2.5 million and, as I said earlier, with the highest number of young people out of work on record. We are in the longest and deepest recession in our history, with more companies going bust in this downturn than in any other. After 13 years of Labour Government, the poorest are getting poorer.

Most importantly, confidence in the Government's economic management, both at home and abroad, already shaky, has crumbled since the PBR. It is no exaggeration to say that it is only the prospect of a change of Government that has prevented an even more marked negative reaction in market sentiments since the PBR. *[Interruption.]* The right hon. Member for Holborn and St. Pancras (Frank Dobson) finds that amusing. I know that he is a great expert on financial markets.

Mark Schofield of Citigroup, for example, said:

> "Unless we get a credible set of measures put in place quickly, which seems unlikely unless we get a Conservative government with a clear majority at the next election, we think the UK's Aaa rating will be right up on the radar screens in a very short space of time."

Frank Dobson (Holborn and St. Pancras) (Lab) *rose*—

Mr. Hammond: I will give way in a moment.

This is how the Institute for Fiscal Studies summed up the situation:

> "Arguably, with the Conservatives well ahead in the opinion polls, financial markets may be more influenced now by whether the Opposition's policies are consistent with long-term fiscal sustainability than those of the government."

Frank Dobson: The hon. Gentleman quoted someone from Citigroup as a person we should take seriously. Would the hon. Gentleman care to tell us how much Citigroup lost in the banking crisis? Was it $10 billion, $20 billion or $30 billion?

Mr. Hammond: The right hon. Gentleman makes his point. Mark Schofield and Michael Saunders, whom I shall quote later, are respected economists in the City. Their comments are widely circulated and noted.

Mr. Pelling: Will the hon. Gentleman give way?

Mr. Hammond: I will not at the moment.

The pre-Budget report was, as I said, the Government's last chance to turn this situation around and to restore Britain's reputation and credit-worthiness. It needed to do two things: first, to put in place a credible plan to restore fiscal balance, and secondly to demonstrate the

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political courage to implement it, instead of merely talking about it. The Government failed on both tests. The plan that the Chancellor set out has reassured no one. It was immediately attacked by business leaders, economists, market analysts and commentators. Richard Lambert, director general of the CBI, said on 9 December:

> "The Chancellor has made a serious mistake imposing an extra jobs tax at a time when the economic recovery will still be fragile…He has also missed the opportunity to increase the UK's credibility by reducing the public deficit earlier."

David Frost, of the British Chambers of Commerce, said that the national insurance rise is

> "Terrible news…It's an additional cost for business when they can least afford it."

The PBR was slammed by economists for being driven by politics, not by economics, with widespread agreement that the failure to produce a credible plan to tackle the deficit leaves Britain vulnerable to higher interest rates and a downgrade of the sovereign debt rating, which I assume is something that the Government will be concerned about.

The right hon. Member for Holborn and St. Pancras will be pleased to hear that I am going to quote Michael Saunders at Citigroup, who is one of the City's most respected economists:

> "The PBR appears to be aimed at reviving Labour's core support rather than seriously tackling the UK's medium-term fiscal problems…These measures do little or nothing to alter the medium- and longer-term fiscal outlook."

Let me give the right hon. Gentleman a few more examples. Barclays said:

> "The PBR is unlikely to dispel concerns about the UK's public finances…The government has demonstrated that it is willing to raise taxes to fund extra spending, but not that it is willing to project a more aggressive overall tightening in policy".

Nor were analysts impressed by the Chancellor's forecasts, upon which even his modest plans for fiscal consolidation depend. BNP Paribas said:

> "The Chancellor's new forecasts also continue to look massively over-optimistic".

Morgan Stanley said that

> "the Treasury's forecasts for GDP growth, particularly beyond the next couple of years, still look optimistic to us."

Citigroup, again, said:

> "The revenue forecasts…look over-optimistic."

RBS said that the Treasury has been consistently too optimistic on how much tax revenue

> "a given amount of GDP growth generates".

All this leaves us exposed to higher interest rates, of course. Citigroup has said:

> "We suspect that as this budget is digested, gilts and sterling will react badly."

RBS said:

> "Issuance remains at historically highly elevated levels and this is seen forcing yields higher in a post QE environment."

The soaring national debt threatens a credit rating downgrade.

Frank Dobson: Will the hon. Gentleman give way?

Mr. Hammond: I will give way to the right hon. Gentleman shortly, after I have finished reading out these reactions and responses to the PBR.

On the afternoon of the PBR, Barclays said that

> "the UK's triple-A sovereign credit rating and the currency are likely to remain vulnerable."

BNP Paribas said:

> "Given that the Government has decided to ignore the opportunity to take steps to remove the risk of a sovereign rating down grade we expect sterling to remain under pressure over the medium term."

The bond-rating agency, Moody's, said that the PBR plans

> "stretch to the limit…what is consistent with a top rating."

Several hon. Members *rose—*

Mr. Hammond: I shall give way first to the hon. Member for Taunton (Mr. Browne).

Mr. Jeremy Browne (Taunton) (LD): The Government's deficit reduction plan relies on increased taxation, reduced public spending and, crucially and perhaps least discussed, very optimistic forecasts for economic growth, well above trend forecasts. Does the hon. Gentleman accept the Government's forecasts for economic growth in the years ahead, which are part of the plan the Chief Secretary has outlined this afternoon?

Mr. Hammond: It is clear from what I have just said that the qualified commentators' view is that the Government's forecast of trend economic growth beyond 2011 appears optimistic.

Mr. Byrne *rose—*

Mr. Hammond: I know what the Chief Secretary wants to say now; he wants to talk about the Bank of England. The forecast appears optimistic, however. We are not an economic forecasting organisation, but we do look at the consensus of forecasts made by independent commentators, and I think it is fair to say that the Government's forecasts are at the top of the optimistic end of the spectrum.

Frank Dobson *rose—*

Mr. Pelling *rose—*

Mr. Meacher *rose—*

Mr. Hammond: I shall give way first to the right hon. Member for Holborn and St. Pancras (Frank Dobson).

Frank Dobson: I said—ironically, of course—that I was most impressed by these qualified commentators, and, as usual, I was not exaggerating. Citibank, which provides one of the highly qualified commentators quoted by the hon. Gentleman, lost £60 billion, and it bought up Merrill Lynch, which had lost £52 billion, so this brilliant person is working for an organisation that lost £110 billion. The hon. Gentleman quoted Morgan Stanley, which lost almost £16 billion. Barclays losses were, admittedly, a mere bagatelle in comparison; it lost only £7.9 billion. We are expected to give credence to the prognostications of these idiots, however, including Moody's, which had given triple A ratings to all the lunatic procedures those organisations were following.

Mr. Hammond: Clearly, there is nothing like a financial crisis to bring the old dinosaurs out of their caves—and I know the right hon. Gentleman takes great pride in being a dinosaur. I say this to him, however: I do not think anyone cares tuppence whether he gives credence to what these City economists are saying. The important point, however, is that the people who will have to lend us the hundreds of billions of pounds that this Government want to borrow do take notice of them, and they make their judgments about where to lend, and where not to lend, on the basis of them.

Several hon. Members *rose*—

Mr. Hammond: I shall give way to the Chief Secretary.

Mr. Byrne: The hon. Gentleman is enormously kind in giving way. Does he acknowledge that Standard & Poors has said:

"We believe that the ratings on the UK continue to be supported by its wealthy, diversified economy"?

He will also recognise that Fitch said "The UK's triple A rating remains supported by its high value added, diversified economy." He will recognise, too, that Moody's has said that "the outlook for the UK Government is stable. Her Majesty's Government is deemed a resilient triple A issuer." The hon. Gentleman's presentation would be incomplete without such an acknowledgement. Would it not be incomplete, too, without an acknowledgement of the Governor of the Bank of England's growth forecast for 2010-11 of 4.1 per cent., which is much higher than the rate the Chancellor offered?

Mr. Hammond: I predicted the last bit of that intervention, and I am happy to agree with the first bit: I am extremely kind. It is the bit in the middle that we have to talk about. If I really thought that it was done and dusted and that the UK's triple A credit rating was a lost cause, I probably would not be applying for the job I am applying for. I also hope, however, that the right hon. Gentleman similarly agrees that there is no scope at all for complacency about the triple A credit rating. That credit rating has not even been in question for decades, yet it is now right on the radar screen; it is being talked about in analysts' notes, and we need to be extremely careful. I understand that the right hon. Gentleman is under great pressure from the Prime Minister to create political dividing lines and to focus on the very short term, but he and his boss need to be extremely careful about how they present themselves to the people who decide these things, who ultimately will be the arbiters of our fate.

Sir Nicholas Winterton: We need balance in this debate. We have heard a great deal from the Government, but will my hon. Friend describe to the House the scenario that would arise if the United Kingdom lost its triple A credit rating? It is important to know about the consequences that would flow from losing that rating—the implications of that on taxes and everything else that affects the country and the people of this country.

Mr. Hammond: If my hon. Friend will wait a moment, I shall come on to a part of my speech that deals specifically with that issue. If he wants to intervene on me again then, I will be very happy to give way.

Mr. Brooks Newmark (Braintree) (Con): In the plethora of quotes my hon. Friend gave us from the outside experts, one of the key points to consider—which is very much in tune with the wishes of the hon. Member for Luton, North (Kelvin Hopkins) and even the Government—is the need to stop the huge rise in unemployment. Does it not strike my hon. Friend as counter-intuitive to raise national insurance when one is trying to increase employment and reduce unemployment?

Mr. Hammond: It is very clear that the increase in national insurance tax will have a negative impact on the capacity of the economy to create jobs, and I would have thought that creating jobs in the recovery would be one of the principal focuses of attention for the Chief Secretary and his colleagues.

Mr. Meacher: Several minutes ago, the hon. Gentleman said that it was a mainstream view that there should be a reduction in the deficit through large and early public expenditure cuts, and he rather condescendingly rejected the opinions of those who took a different view. How does he explain the case of Japan in the 1990s? It followed exactly that policy. When recovery started, it raised the sales tax and reduced expenditure, and it went into a double-dip recession. How does he also explain that Roosevelt through the new deal expanded the economy, and as it began to come out of the slump, as a result of increasing taxes and reducing public expenditure, it went into a further slump that did not end until the war? Is the hon. Gentleman not pursuing exactly those wrong policies?

Mr. Hammond: The right hon. Gentleman has, in fact, very neatly made my point for me, because in both cases the problem was an increase in interest rates too early in the cycle, which then choked off the recovery. What I have been arguing and what the Conservatives have been consistently arguing is that the most important determinant of the strength of the recovery will be the level of interest rates and the looseness of monetary policy.

Whatever Labour Members might think, it is clear to Conservative Members that the credibility and creditworthiness of Britain requires a plan to deliver what the Governor of the Bank of England has called

"a really significant reduction in the deficit…over the lifetime of a Parliament",

which is the period for which a Government are elected. Surely the point is that common sense tells us that for as long as the Chancellor is publicly failing to propose something that meets the minimum requirements set out publicly by the Governor of the Bank of England, markets will be unsettled and they will mark the Government down. Demonstrating political commitment to fiscal consolidation means starting work on the task, not talking about it; it means putting one's money where one's mouth is.

Derek Twigg *rose*—

Mr. Hammond: I am going to make a bit of progress before I give way.

At the time of the pre-Budget report, the Chancellor told us:

"For as long as extraordinary uncertainties remain in the world economy, this is not a time for a spending review."—[*Official Report*, 9 December 2009; Vol. 502, c. 368.]

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However, to be credible the pre-Budget report needed to be accompanied by a comprehensive spending review or at least by a clear allocation of departmental spending totals for 2011-12 and 2012-13. Having told us that he could not provide that, he went on to tell us that he was guaranteeing most of the NHS budget, the schools budget and the police budget.

The Chief Secretary to the Treasury has recently refined this argument, with the proposition that the Government can confidently predict that we will come out of recession at the turn of the year and that economic growth will be 1.25 per cent. in 2010 and 3.5 per cent. in 2011 and every year thereafter, and can set an overall envelope of public spending in specific budgets for health, for schools and for the police—that is about 40 per cent. of resource departmental expenditure limits—but cannot allocate spending totals to the remaining Departments because they do not know what the level of unemployment will be.

Yesterday, the Labour-dominated Treasury Committee said the following about that astonishingly selective forecasting capability:

> "It may be difficult for any current consolidation plan to command universal support. It will therefore be very important to add greater detail and clarity to the plan sooner rather than later."

It went on to say:

> "There is a sense that the Treasury are using uncertainty to suit themselves"—

by producing some forecasts as far as 2017-18 but no spending details beyond 2011. The Committee Chairman, the right hon. Member for West Dunbartonshire (John McFall), from whom we will hear later, added his thoughts in the covering press release, saying:

> "We consider clarity, even if it is clarity about the degree of uncertainty surrounding the forecasts, as essential to strengthening this crucial credibility."

In addition, the Committee stated that it could

> "see no good reason for the Treasury failing to produce"—

more detailed—

> "illustrative figures for future expenditure".

We are being asked to accept that the Treasury can forecast growth, set spending totals and allocate funding to Departments that will grow, but that there are compelling and overriding reasons why the Government cannot allocate funding to the Departments that will shrink—and shrink they certainly will. It has been widely reported that there is an internal Treasury analysis showing that those Departments not fortunate enough to enjoy the political patronage of the Prime Minister will face a 17 per cent. real-terms spending cut over three years. That would confirm the analysis of the Institute for Fiscal Studies suggesting a 16 per cent. cut—or 19 per cent. if the ring-fencing is extended for a third year.

That contrasts sharply with the Chancellor's words on the "Today" programme on 10 December, when he said:

> "Spending is going to be pretty much flat...Broadly speaking...we're assuming for the non-protected services it's going to be pretty much flat".

That was in nominal terms, but even after allowing for inflation, it is a long way from a 17 per cent. real-terms cut. He was asked on Monday to deny the existence of that Treasury paper setting out the reality of 17 per cent. cuts in all other Departments, and I asked the Chief Secretary twice on Tuesday to deny the existence of that internal paper, but neither of them could do so. Instead, they got their civil servants to engage in producing costings of a bunch of fantasy policies, which Labour party officials then worked into a dodgy dossier—that fell apart even more quickly than the pre-Budget report did.

So let me ask the Chief Secretary now—I will happily give way to him—whether the Government are going to address the biggest gap in their credibility by publishing a comprehensive spending review or departmental spending allocations for 2011-12 and 2012-13 before the general election. Will the electorate be told how the Government plan to deliver the fiscal consolidation that they have set out in aggregate in this pre-Budget report and that they claim is the proof of their commitment to restoring fiscal discipline? Or will we have to guess?

Mr. Byrne: Let me deal with the hon. Gentleman's second point first. I have set out clearly in my presentation to the House this afternoon how we see £82 billion of deficit reduction taking place. Some £25 billion will come from growth measures and £57 billion from discretionary measures—tax will account for £19 billion of that and the rest will have to come from cuts and efficiencies in public spending. As he will recall from 1998, when comprehensive spending reviews were introduced, the whole point of them is about certainty; they are designed to give public service leaders and managers certainty about budgets for a period of three years. If a £4 billion or £5 billion margin of error remained because one cannot be clear about how fast unemployment will fall, that would be bigger than the budgets of four or five different Departments. If one cannot provide certainty about how much money is available, that defeats the object. We are happy to provide certainty, where that is possible. We know that the Conservative party is more than happy to provide four or five different positions on departmental budgets over the course of a day, but that is not an example that we wish to emulate.

Mr. Hammond: So, as I said, we are expected to believe that it is possible to be absolutely precise about the protected budgets but not about the budgets that will be sacrificed. In addition, I did not hear the Chief Secretary answer the question about the paper on 17 per cent. cuts. That is important because in terms of defence, a 17 per cent. cut is equivalent to more than the entire pay and pensions bill for all the armed forces or a staggering 150 new Chinook helicopters every year. In terms of transport, it represents the entire budget for London and the south-east: for trains, roads, bus subsidies and the tube. For the Ministry of Justice, a cut of 17 per cent. of the budget is the equivalent of 50,000 prison places—that is 60 per cent. of the UK's total gone. No wonder the Chancellor thinks that this is not a time for a spending review. The Chief Secretary may not like my examples, but if he will not spell out the consequences of his plans, it will fall to us to do so. The Government want the political gain of setting budgets in certain Departments without taking the political pain of recognising the consequences of that ring-fencing for other Departments. That is dishonest and disreputable, and it will ultimately backfire on them.

Derek Twigg: I regularly hear the right hon. Member for Witney (Mr. Cameron) saying to the press that he is being open and honest with the British people. In that context and spirit, can the hon. Gentleman tell us by what date he will want the deficit halved?

Mr. Hammond: We have made this point emphatically and repeatedly: we will make an earlier start than the Government have proposed to do and we will go further than they have proposed to do within the course of the next Parliament, as the Governor of the Bank of England has suggested. Exactly how far and how fast we go must, of course, depend on the economic circumstances and on the context of the monetary policy with which we find ourselves dealing.

Derek Twigg: With respect, the hon. Gentleman has just talked about clarity, openness and honesty, so, given that we have already said what we are going to do, when will the Conservatives have halved the deficit. What is his plan? Does he have no plan for the date by which it will be halved?

Mr. Hammond: What matters at the moment is what is going to happen immediately. We have made it very clear that we will start in 2010-11 to reduce public spending. The current Government have made it clear that they will continue to increase public spending in the face of all the evidence that they are taking unacceptable risks with the UK's credit rating, creditworthiness and reputation in the markets by doing so.

Several hon. Members *rose*—

Mr. Hammond: I have to make a little progress or there will not be any time left for the rest of the debate.

If the Chancellor was in any doubt about the market reaction after the pre-Budget report and the immediate reactions to it, he should be in absolutely no doubt now. The UK 10-year gilt spread against the German bund, which is the benchmark, has widened alarmingly since the pre-Budget report. In less than a month, there has been an 18 per cent. rise in the spread—up to 62 basis points—and a rise of one third of a per cent. in the cost of servicing our national debt. The Government now need to find £5 billion more in spending cuts to balance the books than they did on the day that the Chancellor stood up to deliver his pre-Budget report.

At the end of 2008, the cost of insuring UK gilts against default was twice as expensive as the cost of insuring McDonald's corporate debt. At the time, a Government spokesman said that there was "obviously something odd" going on in the credit default swap market. Perhaps it was not so obvious—a year later, credit default swaps on 10-year Government bonds still trade at a 70 per cent. premium compared with those on 10-year McDonald's bonds.

Nearly half the economists polled by the *Financial Times* in a new year study cited the fiscal crisis as a key threat to the economy. We have already heard about the statement from PIMCO. Not only does it expect a credit rating downgrade, which it says is more than 80 per cent. likely, but it has announced that it will reduce its holding of UK Government bonds during the coming year. There might be all sorts of reasons why PIMCO has chosen to reduce its holding of UK Government bonds, but even the Chief Secretary would have to concede that it is not particularly helpful at a time when a country needs to issue £200 billion of new bonds over the course of a year to have the world's biggest holder of Government bonds saying that it intends to reduce its holding of that Government's paper.

Mr. Jeremy Browne *rose*—

Mr. Pelling *rose*—

Mr. Philip Hammond: I shall give way one more time, then I must finish.

Mr. Browne: I am grateful to the hon. Gentleman for giving way. Will he clarify a point in his position that I do not understand? The Government say that they wish to halve the structural deficit by 2014. He says that he will have to take account of factors along the way. For example, growth might not be as strong as the Government anticipate, or there could be another recession—I hope that there is not, but there could be. There might be other unforeseen circumstances. Perhaps we will have additional military commitments, for example. Given that his position is that we must be flexible—I think that he is sensible to have that position—will he concede that it is possible that the Conservative party, were it to win the general election, would fail to reduce the structural deficit by half by 2014? In other words, the Conservatives might reduce it more slowly than the Government plan to reduce it.

Mr. Hammond: I would not presume to give the hon. Gentleman a lesson in economics, but it seems to me that the possibility of growth's being slower or faster will not affect the evolution of the structural deficit, although it might affect the cyclical deficit. The difference between us is that we have consistently talked about targets for reducing the structural deficit, which is what the Governor of the Bank of England has suggested, whereas the Government talk about the total deficit, not differentiating between the structural and cyclical deficits.

I have talked a great deal about markets and some hon. Members are inclined, I think, to take a view of "Markets be damned." However, when one needs to borrow £200 billion over the course of the coming year, one needs to listen to what the markets are saying. When borrowing capacity depends on one's credit rating—

Mr. Pelling: Will the hon. Gentleman give way?

Mr. Hammond: I am going to have to do so eventually, so I shall do it now.

Mr. Pelling: As the hon. Gentleman is surely going to be in charge of these issues in May, how will he approach the issue of the triple A rating? What will he be willing to sacrifice in the Budget to defend the triple A rating? Does he think that there are some things that he will definitely want to keep, even if the rating were to be downgraded to double A plus or double A1?

Mr. Hammond: I am grateful to the hon. Gentleman for his vote of confidence. Of course, sending a signal to the markets that restores confidence is a delicate business. We are in a party political debate, but I think that

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everyone understands that it is very difficult for a Government, at this point in the cycle with the opinion polls where they are and with the Prime Minister insisting on his ridiculous dividing lines, to send reassuring signals to the market. The trick—the task for an incoming new Government—will be to reassure the markets sufficiently to finance the debt and keep interest rates low and to do the absolute minimum that is necessary to maintain interest rates at that level. That is a constant balancing act, which requires constant trimming and tacking.

Paul Farrelly: Will the hon. Gentleman give way one final time?

Mr. Hammond: No, I shall definitely make some progress.

I have talked about the markets, and it is important to say—this answers the point made by my hon. Friend the Member for Macclesfield (Sir Nicholas Winterton) earlier—that although market confidence matters for Governments, it also matters for our public services. We must not lose sight of that point. Next year, we will spend £44 billion on interest payments on the national debt. By 2013, that figure will have risen to £63.7 billion if interest rates stay as they are. But interest rates on British Government debt have already started to rise. By 2013, for every extra 1 per cent. of interest cost that we face, another £14 billion of public spending cuts will be needed to finance it. We are already spending more than the schools budget on debt interest, and by 2013 we will be spending double that budget on debt interest. Britain plc has a huge vested interest in maintaining low interest rates and in maintaining the credit rating to support them.

This all matters to ordinary people, too—to home owners, families and businesses. Many people who faced this recession fearing that they would lose their homes and their jobs have been bailed out by the Bank of England's prompt action in reducing short-term interest rates to the lowest possible level and pumping liquidity into the economy. It is low interest rates that have kept Britain going through this recession, not the Chancellor's much-vaunted fiscal stimulus.

Ms Sally Keeble (Northampton, North) (Lab): Will the hon. Gentleman give way?

Mr. Hammond: I shall in a moment, because the hon. Lady has not intervened before. However, let me make a bit more progress.

Low interest rates must sustain the economic recovery, allowing businesses to invest and to create jobs and allowing home owners to refinance mortgages at affordable costs. Anyone whose interest in the economy is focused on a horizon that stretches further than the next five months can see the huge risks that the Government are taking with Britain's future.

Ms Keeble: The hon. Gentleman has been very fond of quoting the Treasury Committee's report. Will he acknowledge that the report attributes in substantial part the fact that unemployment is lower than one would otherwise have expected and that repossession rates have been lower than would normally have been expected precisely to the Government's intervention?

Mr. Hammond: No. That is absolutely wrong—

Ms Keeble: That is what the report said.

Mr. Hammond: The facts are right, but that has happened precisely because of the intervention that has been made by the Monetary Policy Committee of the Bank of England in lowering interest rates very rapidly to unprecedentedly low levels and in keeping them there. I look forward to hearing what the Chairman of the Select Committee has to say on that in due course.

Paul Farrelly: I fully understand the hon. Gentleman's point on interest rates, and he will appreciate that point because the Conservatives have made major mistakes on interest rates—during the 1990s, for example. Does he accept that his answers to interventions from Members from all parties have been rather simplistic and old-fashioned in reflecting the monetarist versus Keynesian arguments of the past? I am sure that a respected former economist from Shell might have something to say on that very shortly.

Does the hon. Gentleman accept that the implication of what he says is that any fiscal stimulus or any measures that the Government have taken to help the economy are not only not worth while but counter-productive, and that the Conservatives would therefore not have undertaken them? Is that his position? Is it also his position that they will protect health and overseas aid—that they will have their cake and eat it—without spelling out what departmental cuts they will make under a Conservative Government?

Mr. Hammond: The hon. Gentleman will recall that it was the leader of my party who first told the public that cuts would be required—six months before the Prime Minister was finally dragged kicking and screaming to that admission. It was our party that first started to spell out specific cuts that would have to be made—

Paul Farrelly *indicated dissent.*

Mr. Hammond: For the hon. Gentleman to shake his head is simply disingenuous.

On the big test of the PBR—that is, the restoration of economic and fiscal credibility—it was a resounding failure. Markets were dismayed, the deputy Prime Minister was incandescent and it was not much of a crowd pleaser either. I shall spare the House the list of quotations from various newspapers on the day following the PBR. It is astonishing that the Chancellor not only failed to begin the process of cutting spending but announced a further increase in public spending and financed it by slapping an extra tax on everybody who earns more than £20,000 a year by raising employee national insurance contributions. They will now go up by a total of 1 per cent., costing someone on £30,000 an extra £200 a year and someone on average earnings an extra £60 a year.

There is a similar burden on employers at a time when we are trying to create jobs. The Institute for Fiscal Studies has made the obvious point that employee and employer NICs are the same tax. Both are incidental on wages, so anyone who earns £14,000 or more a year will be hit by Labour's double tax whammy on employer and employee NICs. The Prime Minister is determined to fight the coming election on a class war battlefield, but it seems rather strange to start by feeding the Chancellor's spending addiction with a tax that impacts on the millions of decent, hard-working people in this country who earn £14,000, £15,000 or £20,000 a year. If we win the general election, our No. 1 priority will be to try to avoid Labour's new national insurance tax increases on the many.

Justine Greening (Putney) (Con): On that point, does my hon. Friend agree that many of the couple of hundred thousand—no doubt, young—people who are now unable to get part-time employment will be students who use part-time employment to fund themselves through university? Does he agree that the worst hit will be low-income students who have to do such work because it is the only way that they can afford to get their degree?

Mr. Hammond: I am sure that my hon. Friend is absolutely right. She has identified just one of the many groups who will be hit by this Labour tax on the many.

There were a couple of other noteworthy points in the PBR. A Labour PBR would not be complete without some spectacularly unjustified rhetorical flourish and some sleight of hand that comes out only when we analyse the small print—and we did, indeed, get both. Some hon. Members, perhaps on both sides of the House, have not recovered from their mirth at the Chancellor's assertion that he was taking these decisions from a position of strength. There was a sleight of hand: an unannounced reduction in the NHS budget, which was caused by the £446 million that the Treasury will claw back from the national insurance tax hike. That means that Britain's biggest employer faces a real-terms budget cut rather than the maintenance in real terms that the Chancellor announced.

There was also a shockingly cynical pre-election bribe. We have got used to some of those. The Chancellor said in his pre-Budget report speech that there would be above-inflation increases for benefits, including disability living allowance and child benefit, but it later transpired, when the IFS started crunching numbers, that the Government's published plans include a 1.5 per cent. real-terms cut in benefits in 2011. The Prime Minister could not bring himself to be any more honest about that cut than he has been about others. The following day, he was reported on Sky News to have denied the charge by claiming:

> "Benefits will continue to go up".

If the Chief Secretary wants to put the record straight and confirm that benefits will continue to go up in 2011, I would be happy to take an intervention from him. Some of my hon. Friends might remember the council tax rebate for pensioners in the Budget of 2005, which was, surprisingly, discontinued in the Budget of 2006.

The Financial Secretary to the Treasury (Mr. Stephen Timms): I am grateful to the hon. Gentleman for giving way, and I look forward to responding to his points at more length later. On the benefit increases that he has just mentioned, what has happened is that increases have been brought forward. There will be no reduction subsequently. That is quite wrong.

Mr. Hammond: I see. So, increases have been brought forward. That means that benefits will go up this year and go down again next year, so that is not a reduction. I will remember that for the future.

This pre-Budget report is the dying gasp of a weak, divided and incompetent Government. [HON. MEMBERS: "Here we go."] Yes, here we do go. This is a Government led by a Prime Minister who has betrayed the office he holds by blocking the tough action to deal with the deficit that the Treasury has advised is necessary. He is placing the prosperity of millions of British people in jeopardy for the sake of his wretched dividing lines, and he is gambling on their jobs to try to save his own. There will be £789 billion-worth of extra borrowing over the next six years, doubling the national debt again to nearly £1.5 trillion. There is no credible plan for dealing with the deficit, no honesty on spending and certainly no spending review. There will be a higher deficit in 2013-14, as a percentage of gross domestic product, than when Denis Healey went to the International Monetary Fund.

As Labour is too weak to take the action necessary to tackle the deficit, it has had to admit in the PBR that a Labour victory in the general election would mean, as has already been announced, an extra £7.8 billion-worth of taxes, which is £370 per family. The vast majority of that money will come from the national insurance tax increase, which will affect everyone who earns more than £14,000. It would also mean a further £30 billion-worth of tax increases, which are shown in the figures but unexplained. That is another £925 per family being hidden from view until after the election.

Despite the Government's best efforts at obfuscation, this PBR has made crystal clear the reward that the people of Britain would get if they were to re-elect this Government: higher taxes and higher interest rates. The PBR is an admission of surrender; it is the capitulation of new Labour. Labour is abandoning any pretence of being serious about restoring the public finances to health and getting Britain back on the road to prosperity. It is abandoning all those who are working, striving and saving for a better future for themselves and their children. It is retreating to its core support and turning its back on aspiration. It is failing the country in its hour of economic need. If the Prime Minister does not have the courage or the competence to deliver the change that Britain needs, let him at least do the decent thing and call an election at the earliest opportunity and let somebody else try to undo the damage that this wretched Government are doing to Britain's credibility and creditworthiness, before it is too late.

2.16 pm

John McFall (West Dunbartonshire) (Lab/Co-op): I strongly welcome the Government's decision to accept the Treasury Committee's recommendation to hold a full day's debate on the pre-Budget report. That is an important step in parliamentary scrutiny of public finances. In that respect, I thank the staff of the Treasury Committee. We took evidence from the Chancellor, his officials and experts in the last week before the Christmas recess, and work was done to write the report during the Christmas recess. The report was agreed only on Tuesday and printed on Wednesday. I thank both the staff and my colleagues on the Committee for that.

The main issue that we considered was the macro-economy, which is best described by the word "uncertainty". Uncertainty is certainly present in the economy, whether in bank lending, the future path of unemployment or even GDP growth. We noticed that that is causing some businesses to delay making important decisions that

[John McFall]

could benefit the economy, such as investing and hiring staff. Mention has been made of the scepticism among some economists about the 2011-12 growth forecast, given the considerable degree of uncertainty. It is therefore critical that the Treasury should provide more quantitative information on the risks in relation to its forecasts, especially on economic output.

As has been mentioned, there has been some good news. Unemployment has been substantially lower than was expected for such a severe recession, and there have been fewer repossessions than expected. Business insolvencies are also far lower than would have been expected in previous recessions, and the recent manufacturing statistics show promise. Much of that is due to the Government's policy of supporting households and businesses through the recession with fiscal measures. It is obvious that the fiscal input has worked in such cases; without them, the recession would most certainly have become a depression.

However, we must be vigilant about a further weakening in the labour market. As we feared, young people in particular have been hit by the recession. In November, youth unemployment in the UK reached a record high of 943,000, or 19.8 per cent. So, I welcome the Government's measures to support youth employment, but I urge them to do more to ensure that young people who are unemployed have the opportunity to get into the labour market, because statistics show that if young people are unemployed for a considerable time, their life chances are impaired as a result.

House prices have also settled, but at a historically high loan-to-income ratio that may be unsustainable, especially if monetary policy eventually tightens. The concern over repossessions means that the Government must remove support in this area very carefully. The Committee urges them to report in this year's Budget on the housing market's sensitivity to future fluctuations in employment and interests rates.

As we have known for quite a long time, bank lending, sadly, remains uncertain. As a Committee, we do not want a return to easy credit, but neither do we want the economy to be crippled by a lack of access to credit. That is particularly important for those businesses that still cite the lack of finance as their most pressing problem. I still receive communications on a regular basis from businesses telling me about their difficulties with the banks in that respect. There is a danger, therefore, that bank lending may not support recovery in the private sector, and the Treasury has assured the Committee that it will remain vigilant in this regard.

The Government have put in place measures to improve businesses' access to finance, and that is commendable. However, I would like future measures to be aimed at encouraging non-bank sources of finance for businesses, and especially for small and medium-sized ones, so that they are not so dependent on the banking sector in the future.

Adam Posen, a recent member of the Monetary Policy Committee, appeared before the Treasury Committee and said that the UK lacked a spare tyre for when the banking sector goes into crisis—a lack that means that any future recovery will be threatened. Posen compared the UK to Japan, saying:

> "The closer one looks, the more worrisome this specific parallel becomes",

due to the concentration of banking in a few large firms, and the comparative lack of non-bank sources of finance for companies. The UK's banking structure, he said,

> "could impede the return of trend growth in the UK to its previous rate, and…could if things worsen put on persistent deflationary pressure",

as the ongoing banking structural problems did in Japan.

Economies with up-to-date banking systems, or which have alternatives to bank lending, are the ones that recover faster and stronger. The need to reform our banking system is hugely important. We cannot continue with just five or six big companies: that spare tyre is needed, and it is needed urgently.

Going forward, we need to rebalance the economy away from consumption. Before the crisis, there was a steady decline in the household saving ratio, from over 14 per cent. in 1981 to zero in 2007. The recent bounce in the saving ratio up to 8.6 per cent. must be maintained if we are to have a strong economic recovery. Increasing household saving may not be achieved through macro-economic policy alone. I believe that we will need to widen access to savings products, and introduce new products appropriate for groups who were not targeted before.

The Treasury Committee has welcomed a number of Government measures in this area, such as the Saving Gateway, and I hope that further measures will be brought forward. I well remember the report that we published in 2004-05 on restoring confidence in long-term savings, in which we said that savings was a middle-class industry. A lot of people do not have access to savings and are not being encouraged to save, and that is an issue for the Government to take up.

On the public finances, there is a fine judgment to be made over fiscal consolidation, especially given the macro-economic uncertainty. The Committee said that withdrawing fiscal support too early could plunge the country back into recession, with dire consequences for growth and employment that would cost the Exchequer more in the long run.

The Governor of the Bank of England told the Committee that we needed to act "at the right time" but, as we all know, there is no consensus on what the right time for fiscal consolidation is. The Committee pored over that very question, but more clarity will be required to achieve that consensus.

Ms Keeble: Does my right hon. Friend recall that, when the Committee considered the scale and speed of fiscal consolidation, all the experts from whom we took evidence agreed that faster or deeper fiscal tightening would hit support for pensioners? Would that not be the unacceptable price of tighter spending cuts?

John McFall: I do recall that being mentioned, but I also recall that youth unemployment was mentioned as well. Like the pensioners, that is a really big issue for us.

The Treasury Committee also felt that the PBR did not provide enough information on how the structural deficit will be reduced. Because of that, we believe that the Government must bring forward a clearer and detailed plan. As has been mentioned, that should happen sooner rather than later, and this issue certainly needs to be tackled after the next election. We also feel that the Treasury could provide more quantitative information on the public finances. As the shadow Chief Secretary to the Treasury has said,

> "there is a sense that the Treasury are using uncertainty to suit themselves."

The PBR gives some forecasts to as far ahead as 2015, and illustrative projections to as far ahead as 2018, despite any worries about uncertainty. It could therefore be considered arbitrary that the Treasury fails to produce projections of future expenditure, or at least of the split between departmental expenditure limits and annually managed expenditure.

The Treasury must also provide more quantitative information on the risks around its forecasts for the public finances, given the degree of uncertainty surrounding them. We realise that the Fiscal Responsibility Bill will tie the Government into a fixed time scale for managing the deficit. The fact that that will require close parliamentary monitoring makes transparency all the more important.

The Committee notes the risk, however small, of another uncovered gilt auction and yields rising. Quantitative easing is slowing, and there will still be large gilt auctions in 2010-11. However, we also note the methods now employed by the Government to reduce the risk of uncovered auctions, and welcome the fact that there have been no further uncovered auctions since our Budget 2009 report.

The Treasury Committee report, like many earlier reports, also mentions child poverty. As a Committee, we remain convinced of the continued importance of the commitment to eradicating child poverty, despite the difficult economic circumstances.

Given the recent slow-down in progress on the child poverty targets, and the likelihood that this year's target will be missed, it is vital that the Government set out a credible plan to tackle child poverty, going forward. It is vital that the Government set out the steps that they propose to take to achieve the 2010 target, and to achieve the elimination of child poverty by 2020—a very bold but also a very proud manifesto commitment in 1997.

I turn now to the question of the bank payroll tax. The Treasury Committee has been at the forefront in calling for change in the culture of banking, but estimates suggest that the Treasury now expects to receive about £3 billion or £4 billion from the tax when it originally expected only £500 million. That shows that the banking culture has not changed—that banks have simply gone ahead and paid out the bonuses. That is hugely important, because there is public anger about this matter. People are not fooled, and they realise the extent of the bank bail-out. I made that point yesterday to the Economy, Energy and Tourism Committee of the Scottish Parliament, when I was giving evidence to its inquiry. It is important that we remind ourselves of that.

The Treasury purchased £37 billion of shares in RBS and the Lloyds Banking Group; it gave indemnity to the Bank of England for £200 billion of quantitative easing; it has also agreed to guarantee up to £250 billion of wholesale borrowing by banks; it provided about £40 billion of loans and other funding to Bradford & Bingley and the Financial Services Compensation Scheme; and it insured banks' assets to the tune of £280 billion. The National Audit Office, in a recent report, suggested that the net cash outlay for the purchase of shares in banks and the lending to Northern Rock will be about £117 billion, with a gross outlay of £131 billion. As a result, the Government's commitment to banks is 60 per cent. of GDP, and the value of that is 83 billion working days. The consequences for the UK are stark, but so are the consequences for the world. The International Monetary Fund says that 10 per cent. of global GDP will be lost for ever as a result of the banking crisis.

The banking crisis, which prompted the financial crisis, is at best halfway over. The IMF estimates the total non-performing assets in the world to be worth $3.4 trillion, of which only $1.7 trillion has been written down. So a second bank bail-out will not be tolerated in the United Kingdom or in other European countries. I have visited Germany, Austria and Belgium in the past few weeks, and I got that message. It will also not be tolerated in the United States, which I visited, too. Now is the time to fix the banking system, and I think that we have four to five years to change the financial architecture. That is why the Treasury Committee announced a few weeks ago that it would be undertaking an exercise on the "too big to fail" issue, which seemed to be brushed under the carpet last March, but has since been revived.

Adam Afriyie (Windsor) (Con): The right hon. Gentleman is making a powerful point about the action that would need to be taken either to reduce the size of banks or to ensure that they were not too big to fail. Why does he think that, despite his Committee's report last year, his many comments and his input over the past year, the Government have not taken any action to deal with the issue that he highlights?

John McFall: The Government have taken some action, but the issue is complex nationally and internationally. We see that from the tax on bank bonuses, whereby we have had a kick-back from the City, because some companies have said that they want to relocate. However, there is an international dimension, too. Given that we exist in a globalised world, we need to fix the matter globally, and that is a very difficult job. Like the Treasury Committee, others have taken to the stage and commented for a considerable period.

For example, the Governor of the Bank of England, who has appeared before our Committee, has been explicit on the issue. When we visited America, we met Paul Volcker, a former chairman of the Federal Reserve, who said that there was an issue that needed to be tackled. Indeed, he went further than any of us by saying that he wanted sound evidence from the banking sector that any financial innovation in the past 20 years had led to economic growth. The only financial innovation for which he gives the banking system credit is the ATM. There is deep scepticism.

Nicholas Brady, a former US Treasury Secretary under Ronald Reagan, had an article in the *Financial Times* this week, in which he said explicitly that the "banking system is unsound." Core reforms are essential if we are to provide the system with safety and soundness. People want safe deposits. One of the hardest questions that I asked the bank chief executives when they appeared before the Committee was, "Do you agree with the 'Oxford English Dictionary' definition of a bank, which is an institution for the safe keeping of people's money? If you do, you have screwed up." That is the issue: the consumer wants trust and confidence in the banking system to be restored.

Adam Afriyie: My point was, given everything that the right hon. Gentleman says, which people widely recognise, the Government are responsible for ensuring that the banking system works better than he describes. My question was simply: why have the Government not taken action in that area over the past 12 or 13 years?

John McFall: I am saying that the Government have taken some action in that area. I am sure that the hon. Gentleman, who sits on the Conservative Benches, believes in markets and free markets, but does he want Governments interfering in every single decision? I do not think that he does, so philosophically he will have to come to terms with the issue.

It has been proved that there is now no such thing as a free market, particularly in the banking sector. The Governor of the Bank of England came before the Committee and made this very point. It is a one-way bet for the banking system: if people do well, they get big rewards; if they do badly, they get big rewards. The Government need to go further on the issue of incentives in the banking system, because the incentive structure has distorted the long-term health of the banking institutions. People have had short-term returns but long-term instability. That is why we have joined all these eminent people such as Mervyn King, Paul Volcker and Nicholas Brady; no doubt I will add the hon. Member for Windsor (Adam Afriyie) to that list next time I speak on this issue.

Mr. Leigh: The truth is that nothing would militate more against recovery than for the Government to try to interfere in the banking system. However incompetent banks have been, that would be nothing to the levels of gross incompetence that would accrue were Governments to get involved in banking.

John McFall: The hon. Gentleman should take his colleague, the hon. Member for Windsor, for a quiet tutorial and make that point to him. The banking community has been absent from this debate; people have put their heads under the radar. If they do not want inappropriate legislation and heavy regulation, they will have to engage in this issue and ensure that we get a system that works—that we go back to a market system that operates in the interests of everyone in society. If the hon. Member for Gainsborough (Mr. Leigh) can join me in calling for that, I will be very pleased for him to do so.

Volatility and instability are at the core of the financial system at the moment. That is why the Treasury Committee has set up this inquiry. We are not saying that we should go back to the United States Banking Act of 1933 in its purest form; we are asking how we can make the system more stable and less volatile, and ensure that trust and confidence in the system is restored and that banks act in their own interests and those of their shareholders, the public, their customers, and society as a whole.

One aspect that has been missing from this debate is the public—the debate has been between the City and the political community. That is why, along with my colleagues, the right hon. Member for Haltemprice and Howden (David Davis) and the hon. Member for Twickenham (Dr. Cable), we have established the Future of Banking Commission, which has been supported by Which? and eminent economists such as Roger Bootle, John Kay and others. That is intended to give the public a voice so that their interests are looked after and safeguarded and we end up with an appropriate banking system that serves the interests of society—nothing less than that. Only by ensuring that that happens will we restore the trust and confidence in the system that we all desire.

2.38 pm

Dr. Vincent Cable (Twickenham) (LD): We have had two debates on the economy this week. I judged, wrongly, that this would be the centre of attention, but the Chancellor and the shadow Chancellor clearly took a different view. Nevertheless, I persist in my belief that this is an important debate, for several reasons. First, it centres on the pre-Budget report, which was a very important event, however we judge it. As the Chairman of the Treasury Committee pointed out, the debate represents an advance, albeit a small one, in parliamentary accountability, because it represents an acceptance that the PBR should be subject to debate. Moreover, we now have access to the Treasury Committee's review of the PBR, which we did not have on Tuesday. There is therefore a lot to discuss today that we were unable to discuss properly then.

I want to say something about the deficit and the controversies surrounding it; something about the issue that dominated the PBR but has now largely been forgotten—the banking tax, and what has happened to it; and something about the long term, because we are very preoccupied with the short-term fiscal position. There was an interesting half one-liner in the PBR about the creation of an infrastructure bank and a vision of how the economy could develop in the very long term, and we need to refocus some of our attention on long-term structural issues.

I start with the deficit. This debate has been a good deal less emotional than bits of the one that I heard on Tuesday, in which the right hon. Member for Birkenhead (Mr. Field) among others proclaimed that the fiscal crisis was comparable to the crisis in 1940. Other speeches were at a similar level of emotion. Today everybody has been a little bit calmer, but we clearly have a serious problem and it is helpful to start by stating what the deficit problem is.

There are two linked problems: a deficit or borrowing problem and a debt problem—a cash-flow problem and a balance sheet problem. The problem of debt and the balance sheet is clearly serious, because the situation is deteriorating rapidly. However, as is often pointed out from various parts of the House, as things stand the level of British public debt in relation to the economy is actually one of the lowest in the developed world and much lower than at various periods historically.

Mr. Cash: Will the hon. Gentleman give way?

Dr. Cable: Perhaps I can anticipate the hon. Gentleman's intervention. I know he believes that there is a measurement problem, and that if we measured public debt differently, we would come up with much higher figures. I am merely citing the international conventions of the OECD and the International Monetary Fund; he might have something to add.

Mr. Cash: The figures on which I rely are from the Office for National Statistics, and indeed the researchers in the House of Commons Library have confirmed them. They illustrate the point that I, my right hon.

Friend the Member for Wokingham (Mr. Redwood) and my hon. Friend the Member for Braintree (Mr. Newmark) have made that the figure is not £850 billion, as is suggested. The true figure, which I believe is now endorsed by our Front Benchers—it certainly appears to be—is nearer £3 trillion, and maybe more. If the measurement is out by a factor of three or four, does the hon. Gentleman not agree that that underlines all the difficulties about what the deficit is and what the definition of net debt should be?

Dr. Cable: I am sure it does but, equally, other developed countries have the same problem of incorporating public sector pensions. However, I accept the hon. Gentleman's broad point that there is clearly a problem. A more acute one is the borrowing problem. Some 13 to 14 per cent. of GDP is currently being borrowed, and it is being done in a very artificial way because the Government are buying up their own debt in the current strange monetary circumstances. The level of borrowing is unprecedented, I believe, and it is the highest in the developed world except possibly the United States, which is in the rather different position of being able to borrow in its own currency. There is a serious cash-flow problem, which we must take seriously and which is at the heart of the debate.

Two policy issues come out of that problem, both of which have been touched on. There is the historical problem of how we got into this situation and who is to blame, and the forward-looking problem of what we do next and how we manage what we all accept to be a difficult balance. The hon. Member for Runnymede and Weybridge (Mr. Hammond) summarised in numbers how we got here and why we have our public financing problem. Roughly a quarter of the problem is accounted for by the cycle, the ups and downs of the economy and the recession, and three quarters is structural. The problem is that the word "structural" is bandied around, but it is never terribly clear what people actually mean when they use it.

I know that the Conservative argument has always been that the structural problem is the "hole in the roof" showing the neglect of the budget over many years. That argument is partly true, but the problem with it is that the hole in the roof was actually quite small. I have been doing this job for five or six years now, and I remember debating the matter with the predecessors of the hon. Member for Runnymede and Weybridge, the right hon. Member for West Dorset (Mr. Letwin) and the former Member for Arundel and South Downs, who had an unfortunate slip-up at the last general election. When we talked about the structural deficit then, we were talking about roughly 1 per cent. of GDP. Now we are talking about something rather different—an over-dependence of the economy on the banking sector and to some extent on the ups and downs of the housing market as a source of revenue. It is quite right that we now talk about how to adjust the level of public spending down to one that relates to stable sources of revenue. That is what we mean by the structural debate.

In the wider context, it is a little disappointing that although we are talking about that very real problem, which we have to face, there is little discussion of how we can make the British economy much less dependent on banking in the long term. The Chairman of the Treasury Committee touched on this, but it is a fact that in the British economy, the balance sheets of the banks together account for about four times gross domestic product, which is about four times as large as in France or Germany, and much more than in the United States. We cannot sustain that position and it must be changed. Equally, our economy has become highly over-dependent on people's belief that property prices rise and rise, which we also need to address. That is the real structural debate, but we are not having it.

On the background and the history, it is certainly true that the bulk of the problem we are now dealing with is structural rather than to do with the cycle of recession. It is almost unique to Britain and it is not shared by the US and other countries. That takes us to what we do next and how we manage the situation. I was struck that in the more temperate passages of the speeches from the Government and Conservative Front Benchers, there was an acknowledgement that that is a very tricky balancing act.

It is certainly true that unless action is taken quickly, or at least unless action is seen to be taken quickly, there is a real risk of a sovereign debt crisis, with all the consequences that that brings—higher interest rates and the downgrading of credit worthiness, which is a real issue, not just a hypothetical one. On the other hand, we must balance that against the fact that precipitant action before private consumption and private investment get going risks aggravating and prolonging the recession, which in turn would make the public financing problem even worse. Getting that balance right is incredibly difficult, and nobody should pretend that there is any simple dogma that gives the correct solution.

The Government and Conservative Front Benchers quoted economists on various sides of the argument. The hon. Member for Runnymede and Weybridge cited the *Financial Times* survey of 80 economists that was taken over the new year period. The result was rather predictable: they were roughly divided 50:50 on what we do about the problem. Some were predictably in the half who argued that we should just get on with the job and start slashing the deficit—it included Professor Patrick Minford and Ruth Lea, and Philip Booth of the Institute of Economic Affairs, who have an ideological dislike of the public sector. However, it is fair to say that that half also included sensible, balanced people, of no obvious ideological inclination, who believe, for perfectly good economic reasons, that we must get on with the job.

The other half, who were equally reputable, interesting and varied, said, "Actually, we have got to be very careful, and it would be rather foolish to embark on big cuts in public spending before 2011." It is worth while going through some of the names in that half: David Blanchflower and Sushil Wadhwani, former members of the Monetary Policy Committee; Julian Le Grand of the London School of Economics; George Magnus of the UBS bank; Sir Samuel Brittan; John Philpott of the Chartered Institute of Personnel and Development; Andrew Hilton of the Centre for the Study of Financial Innovation; and Peter Spencer of the Ernst and Young ITEM Club. I have no idea of the politics of many of those people, but they are all arguing on good economic grounds that it would be dangerous to embark too rapidly on slashing public spending. The argument is therefore finely balanced.

[Dr. Cable]

It is worth looking at what Ian McCafferty, the chief economist of the CBI, who is taken very seriously, says. He has probably got the balance about right. He said:

> "Whoever wins the next general election, fiscal consolidation is unlikely to start much before 2011. The exact starting point is less important than the credibility of the medium term plan, which requires…a clear direction of travel and sufficient detail on quite how the headline borrowing targets will be achieved."

That summarises what the central issue is and takes us to the Treasury Committee report.

Mr. Byrne: The hon. Gentleman is making an excellent speech, but I think it would be useful at this point in the debate, since we have heard from Government and official Opposition Front Benchers on this subject, to ask him whether in his judgment the reduction in the deficit in the first year of the Government's plan should be faster, or whether the Government have broadly judged it right?

Dr. Cable: I do not think we should rush into rapid cuts. One of my areas of disagreement with the hon. Member for Runnymede and Weybridge is that I do not think there is a strong case for that. It is a difficult issue and there is a balance to be struck, but rushing into expenditure cuts in 2010-11 would carry a greater risk of precipitating deeper recession. My party takes the view that the Government's eight-year plan, with a four-year halving of the deficit, is a reasonable starting point. My judgment is that we will probably discover that it is not enough, but we have to start somewhere, and it is a reasonable working assumption.

Stewart Hosie: I agree that precipitate cuts would be foolish and weaken the ability of the economy to recover. What does the hon. Gentleman make of the Government's already announced £800 million cut to the Scottish budget, which will start in the spring of 2010? Those cuts are already under way. Does he think they should be overturned or some other course of action taken?

Dr. Cable: I do not think that Scotland is fundamentally different from the rest of the UK. We all face the same problem and we are all experiencing the beginning of cuts. For example, I am meeting the Minister for Science and Innovation in a few days' time about the impact of cuts in that sphere. We cannot have an indiscriminate approach to public spending reduction, and my argument is not that the cuts should not happen, in Scotland or anywhere else, but that they have to be much more carefully thought through and targeted. That is the approach that I would adopt.

The Select Committee's report, although expressed guardedly as it represents a cross-party consensus, contains some serious implied criticisms of the pre-Budget report, which take two forms. The first is the acknowledgement that the Government have been nowhere near detailed enough in spelling out how they will approach future cuts in spending. The key conclusion reads:

> "However we note that although the Treasury believe the Pre-Budget Report contains sufficient detail about the way in which the structural deficit would be reduced, our expert witnesses all criticised the document for not providing enough information about how this will be achieved."

The Committee does not say that it agrees with the expert witnesses, but that is implied.

The second criticism is of excessive optimism about economic growth in the future. The report states:

> "There is, however, considerable scepticism among economists around the Government's growth forecasts for 2011-12."

That is a hedged-around comment, but its drift is clear. The criticisms have been made and need to be taken seriously. I would add the additional, and most serious, criticism that the Government have mobilised to raise taxes—£113.5 billion over four years—but instead of using that money to consolidate the budget, as they will surely have to do as they themselves acknowledge, they have committed it to additional spending. That is surely wrong and has sent all the wrong signals.

Mr. Byrne: The hon. Gentleman will accept that a judgment has been made about the right level of deficit in the next financial year when the economy will still be growing at a rate below trend. In the subsequent year, there will be a sharp fiscal tightening, but that will be at a time when the economy will be growing at above trend. There is an element of judgment involved, and the Government have made a decision about the right level of deficit commensurate with the forecast level of growth in the economy.

Dr. Cable: I am sure that that is right: the extent and timing of the fiscal contraction have to reflect the state of the economy. I have suggested five tests that might be used to ensure that, one of which is—obviously—the rate of growth. Another is the growth of unemployment. Another one has to be the state of the borrowing markets.

I hope that the Government are right about the expectations of economic growth. I hope for rapid economic growth because hundreds of thousands of people's jobs hinge on it, but one has to be realistic: an awful lot of factors are holding back growth, and are likely still to be doing so in a year. Private consumers are unlikely to embark on another spending splurge when they are heavily in debt. We have an underlying problem that British consumer debt in relation to the economy is the largest in the developed world, and certainly the largest in our history for a very long period. It would be surprising—and probably unwise, in many cases—were people to rush out and start spending.

Private sector business investment is unlikely to take off rapidly. There is an enormous amount of spare capacity, but as the Chairman of the Treasury Committee just reminded us, there is a severe credit squeeze. That will be even more the case once we enter a period of expansion, because the banks are over-reacting to the crisis and not lending to sound British companies. We will not get any growth from public spending, whether consumption or investment. The entire expectation of economic growth rests on exports, but actually they are a relatively small part of the British economy. It will require a near miracle to achieve the kind of growth for which the Government, and indeed all of us, hope. Frankly, we have to be realistic about that.

I want to comment on two other aspects of the PBR that have not today received the attention they probably should have done. One is the Government's tax on bank bonuses, which was put together in a hurry. Given that it is a fairly short-term tax, I hope that, in the conclusion to the debate, the Chief Secretary or his colleague, having had a month's reflection, can summarise what, in their judgment, has been the impact of the tax. Furthermore, how are they meeting some of the criticisms that have been thrown at the tax, of which there have been several? The first was advanced from the Liberal Democrat Benches. We were very sceptical about the ability of the tax to capture bank bonuses because of the numerous opportunities for potential avoidance, through multiple payments of bonuses, payments in salary and payments in kind, and it would be useful to have an assessment of how far the Government think they have plugged those various potential holes.

Secondly, the Government themselves argued that the main purpose of the tax was to change the behaviour of the banks, to discourage them from paying out bonuses and to encourage them to build up their capital reserves. Are the Government in a position to estimate how much capital reserves will be changed—improved, from the Government's standpoint—as a result of the measure? It was all done in a hurry and we did not get much analysis at the time. Can the Government now tell us what they think?

Thirdly, we are being told by the banks themselves, rightly or wrongly, that they are all now stumping up the money, that they are paying it and that the Government will receive a lot more than £500 million. What is the current estimate of the amount of money that will be raised? Finally, over the holiday period, we heard many rumours and much speculation about banks running off to Switzerland and other places because they object to paying this high tax and other things. I suspect that much of that is rhetoric and an attempt to blackmail the Government.

Mr. Leigh: While we are on the subject of high salaries, does the hon. Gentleman agree that the public sector must set an example? There is understandable public anger about the fact that 50 people who work for Transport for London earn more than the Prime Minister and that 50 people who work for the BBC earn more than the Prime Minister. Would he support any proposal that would limit salaries in the public sector to what the Prime Minister earns?

Dr. Cable: Indeed, I think I was the first person to advocate that, and I am certainly willing to go along with other people who say the same thing. Our view on the public sector pay freeze that came in was that it should perhaps have been more progressive and there should have been a fixed cash award for everybody, rather than a percentage increase. However, I take the point that the public sector has to show similar discipline.

Mr. Pelling: When considering the performance of the banks, is it also important to focus on how the additional liquidity provided by the authorities can be used most effectively? There are issues and dangers of a return to the high-risk culture that drove the banks before in terms of performance. I unders[illegible] the Department for Business, Innovation a[illegible] summoned many senior bankers to discuss that very issue.

Dr. Cable: Yes, although I think the hon. Gentleman is making several different points. The short-term intervention in the form of the bank tax must not obscure the much bigger issue of how bank bonuses will be regulated in future in such a way that banks do not take excessive risks. That is the important long-term question. However, I would like to ask a final question about the bank tax. In view of what appears to be its rather greater success in raising revenue than some of us predicted, do the Government now intend the tax to be a permanent feature or, as was implied at the time, does it merely cover the period up to the end of March this financial year?

My final point relates to a small detail in the PBR, but none the less an important one in the long term, which is the concept of an infrastructure bank. We must not constantly be sucked into negative thinking about cuts in the short run, overlooking the problem of how we create a more viable and balanced economy in the longer term. Several serious people—not just in the engineering industry, but in the insurance industry—have surfaced in the past few weeks to indicate that this area represents both a big challenge and a big opportunity. The chief executive of Legal and General, for example, has pointed out that he has hundreds of billions of pounds sitting in his institution in annuity funds, much of which is currently going into buying American corporate bonds. He has asked, "Why can't I put this money into British infrastructure?", to build railways, barrages or other forms of useful infrastructure on a commercial basis, albeit with some Government pump-priming.

Although the Government's proposal is modest—there is a suggestion of a co-ordinating body in the Treasury—I wonder whether the Financial Secretary could set out in his conclusion to this debate how they envisage what seems to me a constructive and sensible idea evolving in future years. What scale of operation are we thinking about? What might the Government's role be financially? The insurance companies are not asking for guarantees; they are asking for Government equity in any funding. How can that be done on a sufficiently large scale to make a difference and help to create a more balanced economy?

Mr. Cash: In the light of the disaster that we have just experienced on the economic front with the banks, just as we did in the 1850s, does the hon. Gentleman not agree that his line of reasoning perhaps leads to the idea of companies similar to the water, gas, electricity and even railway companies of the 19th century, which were supported by debenture stock, so that the elements of loan that he has mentioned are in place, but focused on companies that are not exclusively under Government control?

Dr. Cable: That is exactly the idea being promoted. The problem that we start from is that it is not now possible to envisage making large-scale investments in British infrastructure. The banks will not do it, because they are de-leveraging, and the stock markets will not do it, because of their short-term perspective in most cases, while private equity companies are worried about over-borrowing. The only mechanisms are likely to be what we now think of as new ideas, but which have a precedent in the 19th century, as the hon. Gentleman said. It would be interesting to see how far that idea can be pursued.

With that, I would like to listen to the remainder of the debate.

3.3 pm

Frank Dobson (Holborn and St. Pancras) (Lab): Once again, the Tory party appears to be in full swing in its campaign to convince the people of this country that

[Frank Dobson]

the only function of Government after the forthcoming general election will be to cut public investment to reduce the current deficit. Needless to say, the Tories have been backed up in that by their friends in the news media and their friends in the finance industry, whose bail-out caused most of the problems in the first place. The deficit needs to be reduced. However, it should not be allowed to take priority over the continuing duties of Government to ensure that the people of this country have jobs and homes, schools and hospitals, pensions and policing, and transport and other local services at home, and peace and security abroad. However, this debate is substantially about the deficit, so I shall concentrate on that.

There were three main causes of the present financial crisis. The first was the need to find the money to bail out and prop up the banking system. I would remind the hon. Member for Runnymede and Weybridge (Mr. Hammond) that most of those people whom he has described as wise and wonderful and able to prognosticate the future would not have a job if the taxpayer had not bailed out their businesses and propped them up to prevent them from collapsing.

Mr. Philip Hammond: Just for clarification, may I remind the right hon. Gentleman that not one penny of the deficit projected for the coming year will be used for direct financing support for the banks? The money that the Government have put into the banks is of course cash, but it does not form part of the revenue deficit that the Government face.

Frank Dobson: I do not think that we needed that explanation, and I did actually understand it.

The second cause of the crisis was the cost of the measures to counter the recession that the banking crisis has brought about. The third was the loss of tax income that resulted from the recession, which was caused by the bankers. So it all goes back to the bankers. This is all the inevitable result of the worldwide banking crisis, and it is no use the Tories and their friends, or the bankers and their apologists, trying to blame this Government in general or the Prime Minister in particular. It is also true to say that, at almost every stage in this crisis, those on the Tory Front Bench have opposed the crucial measures that the Government have taken to save the banking industry from catastrophe, to protect jobs, homes and businesses from a deeper recession, and to get recovery under way. The Tories have opposed them all. It might be the duty of the Opposition to oppose, but surely there are limits. A bit of common sense would not go amiss now and again.

The recession caused by the bankers has led to unemployment, repossessions and business failures, but those outcomes have been nothing like as bad as the City analysts whom the Tories keep quoting were predicting. One reason for that is that, unlike the hysterical analysts in the City, most people running businesses live in the real world and are level-headed. They are trying to keep their firms and their work forces together so that they will still be in business when demand for their goods and services rises again. Their efforts have been backed up by the Government's determination to keep pumping money into the economy to make up for the damage caused by the bankers. This included bringing forward investment projects, the public purchasing of goods and services from the private sector, and the quantitative easing that has poured money into the economy. It also included the temporary reduction in VAT, which was derided by those on the Tory Front Bench and their analyst friends when the Government introduced it, although it is now acknowledged as having been a considerable help.

We all have to recognise, however, that the effects of the recession are far from over. The recovery is under way, but it is quite fragile. Yet this is the moment that the Tories are choosing to demand massive, immediate cuts in Government spending. They claim that this would reduce the Government's deficit, but it would not, because it would involve more people being thrown out of work. Throwing people out of work does not reduce the deficit. Quite the reverse: throwing people out of work increases it. Every job lost is a triple whammy for the taxpayer. First, the taxpayer has to go without the goods and services that the job-losers used to produce. Secondly, the taxpayer has to fund the benefits needed to keep the jobless and their families. Thirdly, the taxpayer has to do without the tax that the job-losers would have paid if they were still in work.

Mr. Jeremy Browne: Will the right hon. Gentleman give way?

Frank Dobson: No, I must get on.

Even without counting the reduction in economic activity, keeping someone out of work costs at least £12,000 in benefits paid out and tax not taken in. That is £12,000 per person that is added to the deficit. To put it another way, throwing someone out of work is like turning a useful member of a ship's crew into a passenger who then has to be looked after by the remainder of the crew.

Mr. Hammond: The right hon. Gentleman is rightly concerned about the prospects for employment. Given that concern, does he support the Government's proposal for a 2 per cent. increase in national insurance contributions, and what does he think that that will do to the job market?

Frank Dobson: It will not help the job market—*[Interruption.]* Unlike the Tory Front-Bench team, I am not living in a world of fantasy. It will not help the job market, but it is a better proposition than what we have heard from the Tories. There should be no question, in my opinion, of making cuts in public investment until the economy is well on the way to recovery and the joblessness rate is way down from what it is now.

Apart from the cost of bailing out the bungling bankers, the main cost of the recession is the result of the reduction in economic activity. We are not producing all the goods and services that we are capable of producing. The economy is not fully operational and the best way to clear the deficit is to get the economy working at full capacity again. The only way to do that at this stage is to keep on pumping public money into the system until the private sector recovers.

No doubt prompted by the recent disclosure of the official papers covering the first days of the Thatcher Government, the Tories, their media friends, the bankers and auditors and the infamously incompetent ratings agencies and their friends have started saying, "Well, yes, Mrs. Thatcher's policies may have been tough, but they worked. She transformed the economy." That myth—and it is a myth—is sadly subscribed to even by many people who should know better. The fact is—and it is a fact—that the average annual economic growth under the Wilson-Callaghan Governments who preceded Mrs. Thatcher was higher than the growth in the Thatcher years, so revered by the Tories and their City analysts.

The Thatcher Government succeeded in creating a feel-good factor by spending the massive tax takings from North sea oil and gas and the huge capital receipts from the privatisation of electricity, gas, telecommunications and other industries. These one-off assets were squandered: they were not put into a sovereign wealth fund; they were not used for long-term investment in the country's future in new manufacturing industry, in science, in research or in education; and the money was certainly not invested in training, as apprenticeships were abolished. The Tory Government used it to fund tax cuts with massive tax benefits going mostly to the rich, which appears to be the Tory policy still. Contrary to free market economic theory, the Thatcher Government did not increase economic growth; they actually reduced it.

Ms Karen Buck (Regent's Park and Kensington, North) (Lab) *rose*—

Frank Dobson: I give way to my hon. Friend and neighbour.

Ms Buck: On that same point, does my right hon. Friend agree with me that during those years and as a consequence of the particular employment policies he outlined, the number of children living in poverty increased threefold? The Institute for Fiscal Studies has calculated that if the policies in place in 1997 when the Tory Government were last in office had continued until the present day, 2.1 million more children would be living in poverty than are now and that as a result of the Government's policies, including those in the pre-Budget report last week, a million children will have been lifted out of poverty by the time of the election.

Frank Dobson: I agree with my hon. Friend's point.

When the Tories went into that general election 30 years ago, of course, they had an election manifesto. Needless to say, they did not keep to it. I have been reading it and it should be filed under fiction. The fact is that they did not keep their promises. They promised to honour the pensions system they inherited, yet practically the first thing they did was to cut the link between pensions and earnings. They promised, and I quote,

"a competitive and efficient coal industry",

yet they closed it down. They promised to simplify the tax system and came up with the poll tax. They promised to make better use of training resources; they closed down the Training Agency and abolished apprenticeships.

The Tories promised, and again I quote, "to master inflation"; under them, inflation ripped to record levels. In one Thatcher year, inflation hit 18 per cent. while over her whole period as Prime Minister, it averaged 7.6 per cent. a year and never fell below 3.4 per cent. They promised to make better use of NHS resources, yet they gave tax breaks for private medical insurance and left the NHS with decrepit hospitals and staff shortages. That is only a sample of what happened in response to the Tories' famous manifesto.

Ms Keeble: History lessons are sometimes very useful. When expert witnesses appeared before the Select Committee, they said that in the event of a faster fiscal tightening, what would certainly have to go would be our proposal to bring back the index-linking of pensions to earnings.

Frank Dobson: Again, one of my hon. Friends has made a valid and important point.

That Tory manifesto was soft soap. The Tory reality was hard-faced. The Tories' real policies were not in their manifesto, but they were being advocated by think-tanks and pressure groups, and they were then put into practice when the Tories came to power. I believe that they are trying the same trick again. The Tory leadership present their party as reformed and rehabilitated, but it cannot be trusted. To find out what the Tories really intend, we need look no further than what the Tory think-tanks and supporters' groups are saying. That way, we find out what the real Tory policies are.

The TaxPayers' Alliance—a real Tory outfit if ever there was one—and the Institute of Directors are jointly advocating all sorts of slashing attacks on services that make life decent for millions of our fellow citizens. They are threatening the elderly with a *freeze* on the basic state pension and the income guarantee, the withdrawal of free bus passes, and the abolition of free television licences. They are threatening children and young people and their parents with the abolition of Sure Start, the ending of the education maintenance allowance, the abolition of child benefit and the child trust fund, and the ending of the interest subsidy on student loans. They are even threatening a 25 per cent. cut in spending on the arts and theatre. Furthermore, they are threatening people in the impoverished third world with reductions in aid.

Mr. Cash: Will the right hon. Gentleman give way?

Frank Dobson: As long as the hon. Gentleman promises not to mention Brussels.

Mr. Cash: I give the right hon. Gentleman that guarantee. What I do want to ask him is this. I suspect that he is keeping his prescription to himself until the end, if indeed he is going to produce it at all, but he has said many times in the past that it would be far better if we resorted to a policy of nationalisation. Does he think that that would be the right thing to do in the light of the present crisis in our banking and economic circumstances?

Frank Dobson: As far as I can make out, even bankers are in favour of nationalisation provided that it nationalises them and saves their bacon. I am not fanatically in favour of it, although I accept the point made earlier by my hon. Friend the Member for Morley and Rothwell (Colin Challen)—who is no longer present—that it would probably be a good idea to keep the east coast main line in the public sector rather than handing it back to the collection of incompetents who were running it before.

[Frank Dobson]

It is not just the TaxPayers' Alliance that is advocating cuts in services. Reform, which portrays itself as another influential Tory pressure group, advocates penalising pensioners for the banking crisis by abolishing the winter fuel allowance, free television licences and concessionary bus fares, and ending retirement pensions, council tax and housing benefit, widows' and war widows' pensions, carer's allowance and disability living allowance for people receiving considerably less than average pay. It is also urging the Tories to impose the same eligibility threshold for maternity pay and child benefit, and to scrap the employer-supported child care scheme, the health in pregnancy grant, the Healthy Start scheme, the Sure Start maternity grant and the education maintenance allowance.

We should beware the Tories' claims to have changed. Their supporters and paymasters have not changed. The people who will be paying for their forthcoming advertising blitz have not changed. We should resist their attacks on pay and pensions. This crisis was not caused by the potential cost of pensions for postal workers or teachers. It has not come about because social workers or nurses or bank clerks are overpaid, or because refuse collectors or shop assistants or factory workers or people gritting roads today are not working hard enough. It has come about because the overpaid bankers and their auditors could not distinguish between an asset and a liability, and the famous rating agencies could not have spotted a wrong 'un even if they had been trying.

I believe in accountability and responsibility. The banking industry and its hangers-on caused the crisis. They should have to meet the bulk of the cost of clearing it up. It is simple. It is the "polluter pays" principle. The bankers polluted the world economy. The bankers should have to pay for clearing up their pollution. Therefore, I welcome the new top rate of income tax and the bankers bonus tax. I support the proposal for a tax on all international financial transactions. I urge the Prime Minister to continue to press for a Tobin tax in collaboration with his French and German counterparts and, hopefully, shame the Americans into accepting it.

The only way we can get out of this recession and create a fairer and more equal society is if the bankers meet their fair share of the costs that they have imposed on the rest of us. The bankers have shown no signs of reining back on their excessive rewards. If the self-rewarding excess of the bankers continues while everyone else has to tighten their belts, it will lead to bitterness and social unrest. As the bankers and their public relations machines deploy their wealth and influence to scapegoat others for the consequences of the banking crisis, we are already seeing a major campaign to lay the blame on hard-working people providing vital public services. Once that sort of irrationality takes hold, once scapegoating becomes acceptable, there is no knowing where it will end. It could set loose forces that set one part of the country against another, one generation against another. It could risk giving right-wing extremists such as the British National party a hell-sent opportunity to promote petty nationalism and the politics of race and religion.

I believe deeply that our response to the recession that the bankers have created will not just determine the future of public finances. It will determine whether the second decade of the new millennium is faced by our people united in the pursuit of fairness and prosperity, or whether we are to be torn apart by strife that could threaten our very democracy.

3.22 pm

Mr. Peter Lilley (Hitchin and Harpenden) (Con): It is always a pleasure to follow the right hon. Member for Holborn and St. Pancras (Frank Dobson), if only because it reminds us how far the rest of us have moved on over the past couple of decades. I hope that he will forgive me if I do not return to fight the old battles, which he enjoys fighting even though he lost. I see no need to re-fight them, because we won.

I have found that I can begin almost any speech on any subject, and I do, by reminding people of the slogan that Bill Clinton used to have above his desk to remind him of what was really important: "It's the economy, stupid." As we are focused on the economy today, we need another sign above our desks saying, "It's the deficit, stupid" and below that perhaps another one saying "It's public expenditure, stupid." Unless we focus on getting a grip of public expenditure and on eradicating the deficit more rapidly than the Government want, we will not get the economy of this country right. The supreme weakness of the pre-Budget report—some of us may have forgotten that we are supposed to be debating that today—is that it does not focus on those things. One has to get more than halfway through the overview at the front before there is even the covest of mentions of the deficit:

"The Pre-Budget report announces action to maintain the path of fiscal consolidation".

It goes on to say that the three measures that maintain the path of fiscal consolidation are all tax increases. That is how the Government see the priority of solving the deficit. The report refers to public expenditure only in the last sentence, when it mentions that the Government plan is to embed

"in legislation through the Fiscal Responsibility Bill"

their measures to halve the deficit. The substitute for action, as far as the Government are concerned, is the deficit-reduction Bill. We debated that at length on Tuesday. I did not have a chance to participate then, so I hope I will be forgiven for saying now why I consider that Bill to be a mistake.

First, it is obnoxious in principle to try to bind future Parliaments. That cannot be done in practice by passing a law, but time and again this Government try to bind future Parliaments by passing legislation that has a bearing on what future Governments must and must not do. Secondly, the Bill is nonsense. It is not even legally enforceable. It is not even justiciable; it is one of those rare Bills that actually has a clause that effectively says that the courts may not take note of the law incorporated in it. It is imprudent, too, because it seeks to bind, albeit unenforceably, future Governments to follow a particular path when we cannot be sure what things will be like over the next four years—let alone the next eight or 10 years, as the Bill envisages. I think that we should probably pursue a fairly ambitious path, but it is foolish to try to lay down a law on what needs to be done in future. The Bill is also a displacement activity; it is a substitute for action because the Government want to avoid action and facing reality.

What is most wrong with the Bill, however, is that it is a recipe for delay. St. Augustine said, "Make me chaste, O Lord, but not yet" and St. Alistair says, "Make me fiscally responsible, but not until 2011." At least St. Augustine saw himself ultimately becoming chaste, but the Chancellor and the Prime Minister are probably passing on the task of fiscal responsibility to their successors, rather than to themselves.

I believe that it is better to act sooner rather than later, because there is a positive benefit in doing so. If we act sooner in taking steps to get the deficit under control, that will restore confidence; and with confidence, growth will come—and with growth, jobs will come, not least for our young people who are currently languishing on the dole queues at the very start of their careers.

There is also danger in deferring action on the deficit in that every month we do so the risk increases of our having a sovereign debt crisis and a financial collapse. That would mean higher interest rates, which would not only make controlling the deficit less easy, but hit all those people with mortgages. One thing about this economic downturn is that at least there is a section of the community that is reasonably well off, and in some cases better off, because interest rates are low: the mortgage payers of this country. They face the greatest threat from this Government's refusal to tackle the deficit speedily and strongly, because it is their interest rates that will increase.

Justine Greening: Does my right hon. Friend agree that because other countries have already come out of recession, our taking a long time to get our public finances back into shape will be a double disadvantage—both domestically and globally in competition with other countries?

Mr. Lilley: My hon. Friend is absolutely right. If we leave this too late and as a result there is a crisis, we will have to take much more brutal action: instead of companies simply not recruiting, they will have to sack people; instead of voluntary redundancies, there will be compulsory redundancies. That will be the inevitable consequence of taking too long over implementing the measures that we need to take to bring the deficit under control.

The Chief Secretary said that worries about major holders of Government bonds selling their bonds were overstated. He said that PIMCO was selling bonds because it was looking for riskier assets elsewhere. He must be the only person who thinks that PIMCO and other bond holders are selling UK bonds because they think that they are not risky enough—because they think that the Government's finances are not putting us in sufficiently great danger of bankruptcy. The truth is that they are selling them because they think that the price does not yet fully reflect the risks and dangers of financial collapse. They know that if that happens there will be higher interest rates, and they would prefer to buy them back then rather than experience the collapse in the price and rising interest rates while still holding them.

The Government argue that withdrawing the fiscal stimulus too soon will risk provoking a double-dip recession. That is wrong for several reasons. The first reason is that it is an argument for never taking action. If withdrawing the supposed stimulus has a negative impact, it will do so next year, the year after or the year after that; after all, it was several years after the recovery had begun that the double-dip recession occurred in the United States in the 1930s. That was not because action was taken in the first or second year of the recovery; the action was taken three or four years later, in 1937. Like a lot of the arguments that the Government put forward on many of their policies, it is an argument for not doing anything.

The second reason is that the stimulus effect of a deficit is grossly exaggerated. This country has a bigger deficit than almost any other comparable country in the world, yet it is the last to come out of recession, so there has not been a vast stimulative effect. Likewise, its removal will not have a vastly depressive effect.

The third reason is that the Government's argument ignores the fact that the effect on improving confidence of action to get the deficit under control far outweighs the impact of the loss of Government expenditure feeding into the economy if the fiscal contraction and consolidation take place sooner. The fourth reason is that we are dealing with a structural deficit, and the way to tackle that is to make structural changes, which takes time. If we do not start thinking them through and implementing them now, we will not get the benefits until it is too late.

So, there are sound reasons in principle for disagreeing with the Government's view that there is a great danger in starting the process of fiscal consolidation at the first possible opportunity, and there is plenty of evidence in practice. We have seen Governments do this before. This country has previously started the process of fiscal contraction before the recovery has been long established. In 1976, the Labour Government did just that—they had to, because the International Monetary Fund told them to do so. At a recent seminar in the City, players in those past crises revealed that Jim Callaghan was quite keen to do it anyway and found what the IMF said to be a useful excuse. Lord Donoughue, the head of his policy unit at the time, said that having argued internally and with the IMF about whether they could avoid taking such action, they were struck by the fact that when they did so renewed growth in the economy came much more rapidly and strongly than they had anticipated and that the effect was positive, rather than negative.

In 1981, the Conservative Government took such action. Some 364 economists wrote to *The Times* saying that any attempt to reduce the deficit at the bottom of the recession would turn that recession into a continuous downward spiral from which there would be no hope of recovery. Almost from the day that their letter was delivered and published in *The Times*, and, simultaneously, Geoffrey Howe—now Lord Howe—introduced his Budget, the economy started to recover. The effect on confidence outweighed the direct Keynesian effect.

Plenty of evidence from overseas supports what I am saying. An excellent study that I have mentioned before in this House—I have still seen no evidence to suggest that the Government have yet read it—has been produced by the European Central Bank. Its occasional paper series No. 38 "Economic reactions to public finance consolidation: a survey of the literature" is very revealing. It reveals that on many occasions the effect of reducing Government spending, and even sometimes of raising taxes, in order to produce fiscal consolidation is positive. It states:

> "The issue attracted much renewed interest in the light of the experiences of fiscal consolidation in Denmark (1983-86) and

[Mr. Lilley]

> Ireland (1987-89). In spite of the severe restrictive policies pursued in the two countries during the periods concerned, their rates of growth showed significant increases on previous years."

There was also a study of some 18 OECD countries over the last 30 years of the previous century which showed a range of expansionary and contractionary episodes. The conclusion was:

> "The effect of fiscal policy therefore becomes non-Keynesian"—

that is to say that a contraction of the deficit produces expansion of the economy—

> "when large and persistent budgetary adjustments are implemented."

That is precisely the circumstance that we find ourselves in today. By contrast, another study mentioned in the document considered five rather similar OECD countries: Australia, Canada, Germany, the United Kingdom and the United States. It concluded that

> "the effects of fiscal policy on GDP and its components"

have tended to

> "become substantially weaker over time"

and that since 1980, the

> "effects have been mostly negative".

In other words, a contraction in the deficit produces a sufficient return in confidence to produce expansion in the economy.

So, we have the evidence to know that we ought to be taking action now. The sad truth is that we have a Government who are unable and unwilling to face up to reality, who are putting their party political interest before national interest, who are using tired economic dogma against actual experience that has been studied and seen to operate on the ground, and who make easy promises before the election, leaving tough choices until afterwards.

Mr. Timms: I am listening to the right hon. Gentleman's speech with interest. He presented the handling of the 1980s recession to us as a success. He will recall, as we all do, the fact that unemployment reached 3 million in that recession. Surely there are lessons to be learned and we should not be repeating that experience.

Mr. Lilley: We should not. We started then from a very different situation, with massive over-manning in both the public and private sectors. Because of changes in the economy and in trade union law, that situation was seen to change. That happened in other countries that moved from a very socialised economy to a more liberal one, as a result of being too socialised and too syndicated in the first place—of having that mass over-manning. My point was that the contraction in the deficit produced an expansion in output of activity. That surely meant that there was less unemployment than there would otherwise have been, unless the Financial Secretary is saying that we should—well, I cannot see any alternative.

Ms Keeble: I want to underline the point made by my right hon. Friend the Financial Secretary. Does the right hon. Gentleman not accept that in the early 1980s and early 1990s the social unrest created by the fiscal consolidation sparked riots in most of our inner cities? One of the telling things about this recession is that although we have seen such a level of unemployment and repossessions, the country has held together—touch wood—remarkably well. There has been a sense that we are pulling together to get people through a real crisis.

Mr. Hands: Better than the Government.

Mr. Lilley: My hon. Friend on the Front Bench makes a valid point—the country might have been holding together, but the Government clearly are not. However, let me address directly the hon. Lady's serious and important point. I do not want to return to the previous speaker and to re-fight the battles of the '80s, but my point is that the Keynesians argued that that consolidation of the budget deficit would intensify the recession and they were proved wrong. That is the simple point that I want to put across. The economy, far from going into a deeper recession, began a strong and prolonged recovery. Perhaps the hon. Lady can think of other ways in which that recovery could have been made even greater and stronger, but she has not pointed out what they might be and nor has anybody else I know. I want to allow other people to take part in the debate, because I want to hear what they have to say.

How do we cut expenditure? We want to cut expenditure in ways that do not throw people out of work and that do not undermine public services. We have to recognise that we have one of the most expensive public sectors in the EU. It is heading for, and is set to reach, more than half of our GDP. Moreover, one of the biggest impacts within the sector has been the increase in the pay budget. I draw the House's attention to a study produced just a few days ago by the Centre for Economics and Business Research, which gives all the facts and figures and says that if the public sector pay bill had risen in line with the private sector pay bill over the past two years, then taxes, or borrowing, could have been £11 billion lower. One of the main agents of the growth in the deficit has been the fact that the public sector pay bill has been out of control in the past couple of years. It must be brought back under control in the interests both of controlling the deficit and of reducing the impact on jobs in the public sector. We do not want to lose a single job if we can help it, if those jobs are valid or if people can be moved to do something more useful.

We must learn to say no to new ideas—that probably applies as much to Opposition parties as to the Labour party—and we must not be in the business of adding to our spending commitments. We must also learn from the private sector the lessons of lean production and how constantly to improve the value for money that one gets from any given number of people. The way to do that is not through top-down statements that we are going to change it all through a few edicts from some great man, even though we can recruit some great experts in efficiency. Ultimately, it means doing in each Department what I started to do in my Department—the Department for Social Security—and asking people at the sharp end of the Department how they could do their job more efficiently.

It was quite difficult to get my managers to do that. They came back and told me that they had spoken to the area managers. I said, "I didn't ask you to do that. I want you to speak to the people who actually fill in income support claims, or who help to monitor invalidity benefit claims, and ask them how they could do their job better." No one had asked those staff that before, and they came up with an enormous range of sensible ideas for improving efficiency. The target was to improve efficiency by 25 per cent.—in other words, to reduce the number of jobs by 25 per cent.—but they participated in the exercise because no one had ever asked them before how they could do their job more effectively. They knew that they were doing lots of things in very inefficient ways, and they wanted to do them better. Most people in the public sector want to do their job better and have the public interest at heart. We must do that at the micro level, through every Department, to harness the experience and expertise of the people at the sharp end of each Department.

Mr. Cash: Will my right hon. Friend give way?

Mr. Lilley: If my hon. Friend will forgive me, I am just drawing to a close.

If we do that, we can make the process of fiscal consolidation less painful than it would otherwise be. However, no one should pretend that it is not going to be painful, and no one should forget who is to blame for getting us into this crisis.

3.43 pm

Mr. Michael Meacher (Oldham, West and Royton) (Lab): What has been rather depressing about listening to the speeches of Opposition Members is how exclusively they seem to be concerned about the interests of the financial markets and how little concern they appear to have about the wider interests of the people of this country. All this is rather like a double-take of the Geoffrey Howe Budget of 1981, to which the right hon. Member for Hitchin and Harpenden (Mr. Lilley) has just referred. That Budget decimated the industrial economy and, as my right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson) has said, produced a lower rate of growth over the relevant period than in the preceding period of the 1970s, which was extremely difficult because of hyper-inflation due to oil prices. It is rather tragic that minds seem to be closed to the idea that there are alternative ways of dealing with the deficit that will not be so socially destructive and that could be more effective in the long run. That is what I want to discuss.

I shall focus on one crucial aspect of the pre-Budget report, which has had a little attention today but which has not been properly faced up to: the Treasury's assumptions about growth over next year and the year after. The Chancellor's view, as he expressed it, was that the worst is over. As we all know, the contraction of 4.75 percent. in 2009 is a post-war record and borrowing this year is on course to reach a peacetime record of 12 to 13 per cent. of GDP, yet the economy is forecast to rebound by 1 to 1.5 per cent. this year, rising to 3.5 per cent. in 2011-12. That would enable the Government to achieve their target of halving the deficit within four years, without the savagery of the full cuts that the Tories are clearly planning if they were to win the election. That projected growth is absolutely crucial to the PBR strategy but where is it going to come from? That is my question.

It is true, of course, that there are some real signs of recovery. They include the unprecedentedly fast turnaround of financial markets, which some say has never happened so quickly in 300 years. The assumption is that somehow that will drag the real economy up behind it, but that remains to be seen. Other factors are the slowing in the increase in unemployment, which is very welcome, the lower rise in home repossessions than in previous downturns, and the greater support for youth employment brought about by the Government's present expenditure of £5 billion on job placements for 18 to 24-year olds and the increase in training and apprenticeships. However, my question remains: all that is important and useful, but will it add up to a huge surge in growth to 3.5 per cent. within two years?

In the boom years before the crash in 2007, household consumption contributed 1.75 per cent. of growth each year, with business adding about another 0.25 per cent. for a total of 2 per cent. That, of course, was in the fat years but now—after the worst recession since the war, the collapse of large elements of the banking industry, a big drop in house prices, a record fall in investment and with tax rises and spending cuts being promised by all parties—the Treasury is looking to household spending contributing 2 per cent. to growth in 2011-12, and to business adding another 1 per cent. I simply ask again whether that is credible.

Unemployment is still expected to rise to 2.8 million, and family budgets remain tight. Pay cuts, pay freezes and short-shift working are still spreading across the country. I ask again: where is growth on a sufficient scale going to come from?

In my view, the essential element missing from the PBR is a major injection of demand in the public sector. The private sector will not provide that demand, because there is no prospect of profitability until there is a much more visible turnaround in the real economy. Quantitative easing even of £200 billion has not provided the necessary level of demand up to now, as the banks have used the money not to increase lending to struggling businesses but rather to consolidate their balance sheets. In any case, we understand that the Bank of England seems minded to call a halt to quantitative easing once gilt purchases hit £200 billion in February.

Moreover, the injection of demand that we need will certainly not come from private consumption because, as we all know, the level of consumer debt is not far short of the whole of GDP. So the only way to inject the necessary demand into a very weak and fragile economy is through massive public investment in job creation: not £750 billion, which was spent bailing out the banks; and not £200 billion of quantitative easing, which has been much less effective than expected. A fraction of that could be used to underpin large-scale job creation in sectors where it is desperately needed, such as house building.

There are 12,000 people in my constituency alone on the waiting list for a house, and I am sure that the situation is much the same throughout the country. House building is at its lowest ebb for 80 years, and with a recession that is an extraordinary combination. We need such investment for the restoration of our creaking infrastructure and to blaze the way for the new green and digital economy, which I think all Members agree is where the future lies.

Why do the Government not make that investment? I suspect that it is because they came into office committed, after the Thatcherite monetarist years, to a complete repudiation of Keynesian demand management. The Opposition absolutely share that view, but I had rather higher hopes for the Government. We certainly heard

[Mr. Michael Meacher]

that view in the speech from the Opposition Front Bencher, the hon. Member for Runnymede and Weybridge (Mr. Hammond). The story is well known, but I am embarrassed to recall that in 1997 the then Chancellor, the current Prime Minister, said that he was pursuing a regime of neo-classical endogenous growth theory. Shorn of the unfortunate terminology, it means that demand should be generated by the enhancement of supply within the economic system: from education, improvements in training, increased research and development, which is necessary, the commercialisation of science and so on. That, combined with Friedman's quantitative money theory, which was prevalent in the 1970s, certainly provided the basis for Mrs Thatcher's macro-economic policy. It is a quixotic, old-fashioned and perverse Tory theory, and regrettably—very regrettably—new Labour took it over wholesale in 1997.

The policy works fine when other vigorous, external sources of demand such as strong export demand from other countries, major technological breakthroughs or continuing private sector investment are in place to drive the economy, as they were in the boom years of 1994 to 2007. The policy works disastrously when there are no strong external sources of demand, as there were after the infamous 1981 budget, which over the next four years pushed unemployment up to 3.2 million; and as there are now, after 2008, when unemployment is still heading towards 3 million and when even the type of fiscal expansion that in 2000 countered the downturn from the dotcom collapse is not possible because of the budget deficit. If there was ever a time for Keynesian measures to restore demand in a very fragile economy, it is now.

The black hole in the PBR is not the opaqueness about where the cuts will fall, as the Opposition have repeatedly taunted, but the lack of any action to create the 500,000 to 1 million jobs that the economy desperately needs. Of course, the enormous budget deficit must come down; we all agree about that. But it is far better to do so by getting people off unemployment and housing benefits and back into work, where they start contributing to income tax, national insurance and VAT. The alternative, of rapidly making drastic cuts in public expenditure, clearly appears once again to be Conservative policy—but probably on a greater scale than any of us have yet realised. However, that could well have the opposite effect of turning a deep recession into a vicious spiral of decline, and prompt an even worse double-dip slump.

That is exactly what happened in Japan in the late 1990s, when after a lost decade the Government increased public expenditure but also increased taxes. They did that prematurely and suffered the consequences of another lost decade. It was the same when Roosevelt came to office. He was a balanced-budget man, but he saw the plight of the country and got expansion going with the new deal. By 1935, two years later, there was an improvement—an expansion—in the economy, but at that point he started to raise taxes and the United States went into a fairly serious further decline from which it did not escape until the war.

Of course, it will be objected that with the deficit as high as it is, we cannot afford to increase it any further, but that is simply not true. Our current debt-to-gross domestic product ratio is 61 per cent.—slightly higher, I agree, than that of France and Germany, but less than in the United States, where it is 69 per cent., or Italy, which is perhaps not the best example, where it is 102 per cent., with Japan still on 107 per cent.

Mr. Hands: Surely the right hon. Gentleman must realise, first, that our indebtedness is rising incredibly quickly, which is in itself a cause for alarm; and secondly, that the savings rate in countries such as Italy and Japan, as opposed to our utterly anaemic domestic rate, makes that comparison a very difficult one. If we had the savings ratio of Japan or Italy, perhaps we would not be as alarmed as we all are and should be.

Mr. Meacher: If we are looking at Japan and Italy, that is a perfectly fair point. The hon. Gentleman says that our indebtedness is rising quickly, and I accept that, but the question continues to be what is the best way of reducing it. The point that I was about to make—he did not give me a chance because he intervened a bit too quickly—is that the best comparison is with Britain's position during the second world war, when our debt-to-GDP ratio reached 250 per cent.—two and a half times our entire GDP. What happened after the war—did we tackle the situation with gigantic cuts in public expenditure? No, it was tackled in exactly the opposite way with large public expenditure programmes of just the kind that I am talking about to get the economy working again and to get unemployment down. I hate to say this but, in some says, that inaugurated the golden age of capitalism between 1948 and 1976. *[Interruption.]* I say this ironically. The fact is that that was a highly successful policy.

Let us not forget that, under the Thatcherite policies of the 1980s, we had not just one collapse, but two. It is all very well to talk about Geoffrey Howe's Budget producing a great deal of growth—it did in the end, of course, because of growth in other countries and the rise in exports, and the end of the oil inflation of the 1970s, but it then produced another collapse in the early 1990s.

I should make it clear that I am not at all opposed to public expenditure cuts where they are justified. We should always be looking to see whether public expenditure is justified. I think—a significant number of very senior military chiefs, if not most, agree with this—that the £75 billion planned over the next 30 years for continuing with Trident is not justified. I also think that the £10 billion or so for identity cards cannot be justified on a cost-benefit rationale, and that one cannot justify expenditure running into tens of billions of pounds on massive Government Department IT super-computers, which is pretty wasteful given all the experience we have had.

Let me say to the Conservatives, who may agree with some of what I have said, something that they may not agree with—that taxes on the wealthy should be boosted so that they pay their fair contribution at a critical time for the nation. The Government are beginning to do that, but in my book nowhere near to the degree that is justified given that the wealthy and the bankers have produced the problem and that the rest of the country are expected to pay for it. That simply cannot be justified—that is the bottom line.

We should crack down much harder on tax evasion, which is reckoned to cost the economy something like £25 billion every year, and significantly increase the penalties for those who are caught. We should end the non-dom abuse, as it is insufferable that it has carried on for so long in this country, and we should certainly introduce a Tobin tax on financial transactions. We should raise capital gains tax to the level— dare I say it?—at which Nigel Lawson left it at the end of the 1980s of up to the 40 per cent. that is the higher rate of income tax. It is only fair that there should be a rate of 50 per cent. on incomes over £100,000 and 60 per cent. on incomes over £150,000. If the situation is as critical as many people believe, such rates are fair and equitable.

We need public expenditure cuts where justified, tax increases where necessary but above all a massive public investment programme in job creation to swing the economy out of recession and decline and back into growth and expansion. There is no other realistic foundation for the Government's prognosis of 3.5 per cent. growth by 2011-12. I trust that the Government will make that the highlight of their last pre-election Budget in March. It would be thoroughly good for the economy and extremely popular in the country, so I ask my right hon. Friend the Financial Secretary whether we can have that assurance.

4.1 pm

Mr. Richard Spring (West Suffolk) (Con): I congratulate the right hon. Member for Oldham, West and Royton (Mr. Meacher), who asked exactly the right questions—how can we stimulate demand and get confidence back into the economy? We differ, however, on how to resolve it. A bloated public sector, which is already extended, is certainly not the way forward, but his central point was correct.

There are two groups of key questions that must be asked when considering the pre-Budget report. First, what is the present and future state of the economy, is it acceptable to the capital markets and what are the threats that are facing it? Secondly, does the PBR do anything to resolve the economic mire into which we have fallen? The answers are that the economy is in a far more perilous state than the Chancellor indicated in the PBR, and that the PBR has if anything made matters worse.

Our whole economic system is based on confidence—confidence that the currency will be stable and that what we can buy today will be the same tomorrow, confidence that a job will not be taken away and confidence that an overdraft or bank loan will be there when it is needed. That confidence keeps money flowing around the economy and keeps people in work, businesses alive and factories producing. The central question is whether the PBR has done anything to improve that confidence. Has it dealt with the real risk of a strike by the purchasers of our debt, and what would that do to our economy? Equally, has it dealt with what will happen if and when interest rates begin to rise in both nominal and real terms as quantitative easing comes to an end? Of course the £4 billion that was sold yesterday in the gilt markets for 2015 and that fact that that went well is undoubtedly good news, but investor sentiment will be tested again next week for the year 2049 and far beyond, so there is still much to be concerned about in that regard.

At the heart of the answer to all those questions is whether the fiscal policy for the next 12 months will be credible. Our ability to borrow is the key to the market's judgment about that and will determine the outcomes in the economy, from how much and in what terms we can borrow to how much individuals can spend. The whole object of policy should be to keep the fiscal reins sufficiently restrained so that interest rates can stay as low as possible for as long as possible. That is not what we received in the PBR—it is as simple as that.

In the PBR, the Chancellor talked about the deficit as a percentage of GDP rising to 12.6 per cent. this year. Very regrettably, that may be an underestimate. The Economist Intelligence Unit believes that the figure will be more like 14.5 per cent., by far the highest in the list of 43 countries that it monitors each week. The Government's ambition is to cut their deficit in half. When viewed in the context of any borrowing record before 1997, that makes the current forecast look unrealistic in the medium term, because it is based on some very optimistic growth assumptions. On top of that, the Treasury Committee yesterday said that

> "although the Treasury believe the Pre-Budget Report contains sufficient detail about the way in which the structural deficit would be reduced, our expert witnesses all criticised the document for not providing enough information about how this will be achieved."

The same report expressed concern about the Chancellor's growth projections, which are fundamental.

Why is that so fundamentally important? Owing to the huge amount of money that we have to borrow and raise each year and roll over, even relatively small changes in the interest rates offered on Government bonds could punch huge holes through our finances in future. That is the key point. That is what will make investors—at best—more cautious.

Investor confidence in our yawning fiscal chasm remains crucial. If that fails, two things may well happen: we would have to fund the deficit through further cuts in spending or increases in taxes elsewhere, or we would regrettably find ourselves heading towards the situation that Ireland and Greece face. There is a vicious cycle of deteriorating confidence: worsening confidence leads to a further deterioration in fiscal problems, which leads in turn to a further deterioration in confidence, and so on, until we are forced to take actions that would be wholly unattractive and unacceptable to all hon. Members.

How large are the holes that could be punched through the national finances? The Debt Management Office said that it needs to sell £225 billion of gilts this year to cover the Budget deficit, and that debts need to be rolled over. A rise in the borrowing rate, for example from 3 per cent. to 4.5 per cent., would certainly cause difficulties. As it is, the Treasury is forecasting paying more than £60 billion a year to meet interest charges on the national debt. How would the Chancellor do that? If his plans for taxation and national insurance contributions are anything to go by, he would raise taxes on jobs and undermine that very employment so as to protect unsustainable levels of spending. I hope my hon. Friends agree that it would be good if he did not get the chance to do that for electoral reasons, but there is always the risk that he will.

That may well be the consequence of a steadfast refusal to plan for the future reduction of the deficit for the short term. In essence, that is what makes the PBR so unacceptable. The Government are refusing to publish their predictions of future interest rates costs on Government debt or say what they are likely to be.

[Mr. Richard Spring]

When challenged by the Treasury Committee on why that information was not provided, the Chancellor said that

> "at the best times there is a degree of uncertainty, now there is a great deal of uncertainty."

The Government make other projections on many other key variables in the economy, but not on that most crucial one, though it is at the heart of our ability to borrow. The Chancellor confirmed that

> "within the Treasury we have estimates".

Frankly, he should let us hear what they are.

Many will be asking themselves what is going to happen when the Bank of England asset purchase facility stops buying gilts. The supply and demand relationships in the gilts market will alter markedly. If next year the Debt Management Office tries to sell a similar amount to the £225 billion of gilts it sold this year, what will be the price with a £200 billion buyer effectively missing from the market? David Scammell, the fund manager at Schroders, said:

> "With the Bank of England seemingly set to phase out its quantitative easing buying programme—which has seen it effectively fund the Treasury to the tune of £200 billion over the last nine months—the supply/demand imbalance will clearly tilt towards higher yields...A 'buyers-strike' would accentuate the move. This would be bad news not just for gilt investors, but also for the economy, the banks and the government".

That is at the heart of the dilemma.

Since the publication of the PBR, it is becoming progressively more expensive for the country to finance its deficit. The PBR failed to achieve the credibility that the markets were expecting, which is what led to the view that the Government are currently able to hold down the cost of servicing the nation's debt only because those who are buying our gilts expect a change of Government in the very near future, and a Government who inspire confidence in their competence. Frankly, after the shambles of their management of the economy in the last few years, it is hardly surprising.

We have heard a lot about PIMCO, the important American investment group. It has said that there is an 80 per cent. chance of Britain losing its triple A rating if the Government do not move swiftly. Scott Mather, head of global portfolio management, told Dow Jones Newswires that the current debt reduction plan

> "is lacking in conviction and lacking in details".

When asked about a downgrade, he said:

> "I think so...it's just a question of when...not if. Based on what we know today about the debt trajectory and about the inability to adjust that, I think it's greater than a 50 per cent. likelihood. Call it more like 80 per cent."

This comes a day after PIMCO, which is the world's largest bond fund manager, decided to cut back on UK gilts—yet another buyer missing from a market where the Debt Management Office is desperately trying to sell our national debts.

A clear measure that can be used to underline this erosion of confidence is how much someone would have to pay to insure themselves against losses suffered by holding our nation's debt. The figures are as revealing as they are shocking. As of last month, the annual cost of insuring $10 million of British debt for five years is $72,000. This is in the same league as Malaysia and Chile and $2,000 more than it costs to insure Slovakia's debt. How do we compare to countries such as France and Germany? One would hope that Britain would be in a similar fiscal position to such countries, but we compare extremely badly. It costs just $22,000 per year to insure $10 million of Germany's debt, and $24,000 to insure France's—a third of what it costs to insure ours. That is a clear judgment by outside markets on the risks caused by the fiscal situation in this country.

Mr. Hands: Does my hon. Friend agree that investments in German or French bonds in the last two years have borne far less currency risk than a sterling-denominated investment, which makes our task even more difficult?

Mr. Spring: My hon. Friend is right. We have had a dramatic devaluation of our currency, although I suppose it will ultimately be helpful to the recovery. The markets have made a judgment on our currency based on their view of our economy, and it is not exactly an A-plus judgment.

Other statistics are also revealing. Not only are we a considerably less acceptable risk than other countries, but we are less creditworthy in fact than many firms and private companies. On the same basis as I mentioned a moment ago, it would cost $11,000 per year more to insure our debt than Vodafone's, $15,000 more than McDonalds', $32,000 more than BP's and an astonishing $35,000 more than Gap's. The sad fact of the matter is that the finances of large numbers of companies, in the midst of the biggest recession in living memory, are considered more creditworthy than those of the United Kingdom. That is an incredible judgment.

The Chancellor has kept quiet on the specifics of the pain to come. That is of course simply naked politics. He steadfastly refused to go into the detail of how and where he would cut spending, or how and where he would raise more money, and therefore how, in reality, he would go about dealing with the crisis that the country faces. The IMF says that $36 billion needs to be cut from Department budgets by 2013-14 to meet the borrowing requirement.

The few measures that the Chancellor did announce included an increase in national insurance contributions. That is a tax on jobs and affects everyone who earns as little as £20,000 a year—hardly progressive politics. That is why Richard Lambert, director general of the CBI, wrote in his editorial page in the CBI's magazine:

> "The Chancellor managed to annoy almost everybody with his Pre Budget Report. Yet despite imposing higher taxes on business, he failed to show how he would restore the public finances to health."

He continued:

> "Put simply, the extra taxes he announced are being used mainly to support current spending for the next couple of years, rather than to reduce borrowing."

That view can only be reinforced, because the Prime Minister has claimed that, if there is better than expected economic news in the next few years, some of the extra money could be used to sustain public spending rather than to reduce the deficit. And of course the Chancellor has disagreed with him. That is part of the problem of a disunited and dysfunctional Government.

As the right hon. Member for Oldham, West and Royton effectively said, the key issue is what effect these policies have had on consumer confidence in the UK.

According to the most recent survey by the Nationwide building society, in December consumer confidence suffered its biggest fall in more than a year. The proportion of consumers who thought that the economic situation would be better in six months fell to 34 per cent.—down from 41 per cent. the month before. The proportion of consumers who felt that now was a bad time to make a major purchase rose by 4 per cent. to 38 per cent. last month.

Expectations for employment also worsened in December, with the proportion of people who thought that there would be many or some jobs available in six months falling to 25 per cent. from 27 per cent. Nationwide's chief economist said that although it is still early days, those lower expectations might foreshadow a more sluggish consumer outlook in 2010 as stimulus measures are withdrawn—we certainly hope that is not the case, but it does not look good. Consumer confidence, which is at the heart of our system, is one of the fundamental elements that the Government should be working to improve. It is what keeps money flowing around an economy and people in work. In that, I am afraid, they are clearly failing.

When we look at these statistics, we have to ask ourselves whether any of this is in the least surprising given that since last year the Government have been borrowing at the fastest rate ever and the Bank of England has printed enough money to purchase the economic output of Denmark. People are crying out for somebody to show the way out of this mess. Regaining the confidence of the British people should be the job of the Government now. That is what will decisively break the country out of this vicious cycle of debt and decline. That is what will keep interest rates in this country as low as possible for as long as possible. In turn, that will help to lead to a sustainable economic recovery. We are now borrowing net nearly £500,000 per minute. It is simply not sustainable.

I accept some of the points made by Labour Members—of course this debate might be arid, and I accept that we have to relate what we say to the reality of people's lives. Of course it is a matter of some satisfaction that, for a variety of reasons—not least the growth of the public sector, but also flexibility in the labour markets—unemployment has not reached the levels that some had forecast. Ultimately, however, we simply cannot deal with problems of employment, confidence or interests rates if we do not grasp that particular nettle—borrowing. However, that simply is not being dealt with.

The whole picture of chaos and contradiction in this Government was truly exemplified by the Prime Minister on Sunday talking about his pursuit of aspiration—one could not make it up—while attacking the Conservatives for wanting to make cuts. Absurdly, the next day, the Chancellor, and indeed the Chief Secretary, launched a document attacking the Conservatives for excessive spending promises. One need not have graduated from a kindergarten class to know that that is completely contradictory and shows that the Government have no clue how to respond.

When the Government leave office this year, we will have seen a decline in our international competitiveness and relative educational achievement, the longest ever recession and our international reputation in tatters. How dismissive our European partners are of a country whose tripartite regulatory system so failed us that we now have so little credibility in influencing the key area of European financial services regulation! We have been led not by Presbyterian frugality, but by the most profligate Chancellor in history. When this tired, broken-down, dysfunctional and disunited Government leave office, this PBR will simply be a milestone on the path to the electoral oblivion that they deserve.

4.19 pm

Mr. Austin Mitchell (Great Grimsby) (Lab): This opportunity to debate the pre-Budget report is an excellent innovation. It should have produced an interesting debate—indeed, a compelling one—on the state of the economy, but all that it has produced are a lot of sterile platitudes about the interests of finance, which caused the recession in the first place, through risk-taking and excessive lending, as against the concerns that we on the Labour Benches have been trying to express about jobs, employment, production and the real economy of this country.

Nowhere was that contrast more typified than in the speech by the hon. Member for West Suffolk (Mr. Spring), who has just sat down. What he was saying, essentially, is that the problem is confidence. How do we get confidence? Only by returning a Conservative Government. How do we return a Conservative Government? By creating such a state of fear, alarm, panic, depression, horror and misery about this country's economic prospects that we just have to have one. That is a political strategy of knocking Britain and knocking our financial future. Frankly, it is damaging to the economy and to the jobs and the real people out there, and it is unworthy of the Opposition. What we should be debating is how to keep the economy going at a high level in the face of a recession that has been produced by the irresponsibility of the financial sector.

This pre-Budget report is a difficult one, because it is difficult to predict the future, as the right hon. Member for Hitchin and Harpenden (Mr. Lilley) said. Indeed, we cannot predict the future—he went on to predict it in the gloomiest possible terms, but his essential point was that we cannot predict it. We are probably out of the recession now, in the technical sense of several quarters of negative growth, but its effects will linger on, in more closures, more unemployment and more economic difficulties. That is what we must combat. We cannot now know how long we will have to do that; therefore, it is difficult to make firm assumptions about the economic future in the pre-Budget report.

The other problem with the pre-Budget report is that, because the Government feel obliged to look at the prospects for debt repayment and cutting the deficit, it predicts action in those areas. That has the result of moving the debate on to Conservative ground and the ground of a financial sector concerned with deficits and borrowing. However, in a recession, deficits and borrowing are not the problem; they are the solution. They are the only way of keeping the economy going at an effective level. In opposing deficits and borrowing, as they have done consistently for the past year, the Tories are preaching a system of economics that is not pre-Keynesian, but pre-Cro-Magnon.

In my view—it is a personal view, but it is echoed by several Members who have spoken, or are yet to speak, on the Government Benches—the big problem in the

[Mr. Austin Mitchell]

economy is this. Although we have provided it with a stimulus, which has undoubtedly saved about 500,000 jobs—if we had not given the economy that stimulus, unemployment would now be at Tory levels, which they achieved twice in their period of government—that is not enough. The stimulus has to continue—indeed, we need a bigger stimulus—because that is the only way that we will get back to growth. The only way to deal with deficits and borrowing is through economic growth. With economic growth, those problems fade away.

Let us look at the amount of debt that the incoming Labour Government paid off in the first three years of their existence, in a very powerful performance. That happened because of growth. With growth now, we can achieve the same results. That is why we must stimulate the economy to get back to the level of growth that will pay off those debts as quickly as possible. That is the crucial issue: not moaning about debt and creating imaginary threats to our credit rating to frighten the City into supporting the Conservative party financially, which is essentially what the Opposition have done, but getting back to growth as soon as possible.

In the light of that, it is disappointing that the pre-Budget report does not envisage a stronger building performance, or a bigger spend on housing. The big expansion in housing was the main means of recovering the economy in the 1930s, before we moved on to the stimulus from rearmament. The housing drive in this country built many houses. I am sorry to say that this Government's performance on housing has been pathetic. The house-building rate is lower than it was in the 1950s; it is back at the 1920s level.

Kelvin Hopkins: I apologise to my hon. Friend for not being here for the beginning of his contribution. Does he agree that the Government would be well advised to concentrate their spending on direct job creation, and not just on reflating demand?

Mr. Mitchell: Absolutely. That is why I am arguing for a big housing programme. Housing means jobs; it stimulates demand. People need to buy carpets and furniture to put in their houses, although, in the main, the stimulus benefits employment in the construction industry. The kind of housing that we need to build is public housing for rent, because that is where the demand is now. That is what the 1.8 million people on council waiting lists around the country need. They cannot afford to buy, even after the fall in prices during the past year or so. We need a big housing drive, particularly for council housing, which has been the main area of inadequacy in our performance.

One fifth of the population have a standard of living that is not adequate. They are, in a sense, deprived, and they need public housing. We have not built enough of it, but that is the only way of providing for the future. It is also a guarantee that, when the economy begins to recover, all the money does not go into escalating house prices as it did before. If we build a strong public housing sector, people will not be forced to buy when they cannot afford to maintain a mortgage. They will not be pushed into sub-prime ownership. What they really want and need is public housing for rent, and we provided that in the past through a housing drive. We now need a bigger housing and construction drive than the pre-Budget report proposes.

In America, a useful measure has been introduced whereby construction projects that are shovel-ready can be financed to go ahead. That is eminently sensible in a recession. In this country, 140 college building programmes were cancelled as a result of the debacle at the Learning and Skills Council. Most of those programmes were shovel-ready, including the £150 million project for the rebuilding of the Grimsby institute. That project should have been started. It would provide jobs and an economic stimulus. Why are we not doing it? The allowance for housing and construction in the pre-Budget report is inadequate. We need both in order to boost the economy, particularly in the construction industry, which is stalled everywhere.

There is also a need in this debate on the pre-Budget report to grapple with another issue that is more basic than the deficit and borrowing—namely, the need to rebalance the economy, which has been lop-sidedly developing a huge financial sector on a shrinking manufacturing and production base. No economy can function efficiently or generate growth and jobs when it is unbalanced in that way. The process of rebalancing it will be painful, but it must be started. I had hoped that the pre-Budget report would place a greater emphasis on this matter.

We cannot pay our way in the world now, because manufacturing has shrunk so much. It has been decimated in this country over the past few decades. It has been weakened partly by the rise to dominance—even to hegemony—of the financial sector and the City of London, under whose spell I am afraid the Government fell for far too long. The rise of the City has been damaging to the real economy of manufacturing for three reasons. The first is that the City and the financial sector would rather invest in Dubai than in Doncaster. They were never concerned with the industrial needs of this country. Secondly, the City does not exercise enough long-term thinking to support the manufacturing sector, while thirdly, of course, it always wants a high and stable exchange rate. Why? So it can manipulate money around the world to acquire assets overseas. The interests of manufacturing, however, lie in a low and competitive exchange rate, which allows more exports and the selling of products on the world markets.

Frank Dobson: Does my hon. Friend also agree that it is a remarkable irony that despite the massive growth in financial services to the disadvantage of manufacturing industry, manufacturing industry still provides a bigger proportion of our overseas earnings than the much-vaunted lot in the City?

Mr. Mitchell: Over the last decade or so, manufacturing has provided an average of about 60 per cent. of our overseas earnings, but it cannot now support the economy or jobs in the way it did in the past—unless it is expanded, unless it is rebuilt and unless we shift the balance in the economy back to production and away from financial manipulation. That is our future, which will be bleak unless we do that; it will be a future of increasing debt in order to pay for imports that we are not currently paying for.

For a couple of years our trade deficit has been higher than that of the Americans—a deficit that caused such a panic and alarm in the US. We should be alarmed and concerned about ours. All the experience of developing countries is that it is possible rapidly to develop a strong manufacturing sector if policy is focused on that by having a low and competitive exchange rate. That is what all the developing countries—starting with Germany, now finishing with China—have done. They started from a low exchange rate, which makes exporting profitable, building up a powerful internationally traded sector, which then achieves economies of scale and follows a process of continuous causation and improvement.

Kelvin Hopkins: My hon. Friend correctly emphasises the importance of manufacturing. Is it not also worrying that if manufacturing is allowed to dwindle even further, recreating the necessary skills in manufacturing will be much more difficult?

Mr. Mitchell: That is absolutely true. We have networks of skills and surviving skills, which have been thrown on the scrapheap, but they could and should be mobilised for any expansion. It is true that we need a big training programme, as this is one of the bottlenecks in the expansion of manufacturing that needs to be cleared. That can be done through an industrial policy, which we have fought shy of for far too long, but which is necessary.

As I was saying, the big expansion overseas, based on a competitive exchange rate in overseas countries, shows that manufacturing can expand and rebuild. It can do so by having a lower competitive exchange rate. We now have the opportunity for a 25 per cent. devaluation, which would make industry and investment in this country profitable again, which it has not been for the last few years. It was certainly not profitable under Thatcherism, which was based on the policy of destroying manufacturing to weaken the trade unions and the power of the country's workers. It was based on the assumption that as a phoenix rises from ashes, the more ashes created in manufacturing areas, the better would be the future of this country.

I am afraid, I have to say, that that destructive process was continued under Labour because our concern was to fight inflation, which was done by keeping the pound high at an uncompetitive level, which subsidises imports. That also forces industry to cut its costs and shed labour in a pathetic and almost doomed attempt to stay competitive. This destruction continued and manufacturing shrank—to our shame, while we were in power—from 20 per cent. of GDP to perhaps 12 or probably 11 per cent. now in this recession. We must revive manufacturing and get it back to what it was.

But as I look at the policies we have adopted up to now, I see that we are not effectively achieving that. We have "saved the banks", but our treatment of the banks defies belief. Whatever happened to moral hazard? The Governor of the Bank of England goes on about it, but as soon as moral hazard is affected by the banks, which were brought by their own follies and excesses into a disastrous situation, we rush in with money to pour into them. Manufacturing does not get that money. We poured money into the banks—that is a large part of the borrowing that we are arguing about—and we probably had to do so to save the banks, but nothing is going to, for instance, the steel industry in Teesside. What has gone to Vestas on the Isle of Wight, which is the country's only remaining wind turbine producer? What has gone to the manufacturing firms that are closing down and shedding labour, making people redundant? What is happening to them? We shall need their production, skills and output if there is to be any recovery of manufacturing and the economy, but we are allowing them to close down without Government support.

The Government have poured money into the banks, and all that the banks have done with it is build up their reserves. They have not passed it on or relaxed their credit arrangements. Manufacturing is experiencing a double whammy. Money is being poured into the organisations that caused the crisis in the first place rather than into manufacturing, which has suffered the consequences, and the organisations that caused the crisis in the first place—the banks—are starving manufacturing of credit, refusing to tide it over until it can inherit the better times.

This is a pathetic economic policy. Even the Government's policy of printing money—which is effectively what we are doing—does not really help manufacturing. What printing money does is, by buying back Government debt, buoy up the stock market and asset prices. It helps the financial sector, which holds the debt—primarily the hedge funds that have been selling that debt back to the Government at an inordinate profit to themselves—but it does nothing for manufacturing, the sector that we need to help and support.

All the devaluations of the past—the devaluations of 1949 and 1967, the Tory devaluation of 1972-73 and the classic devaluation of 1992, when we were forced out of the exchange rate mechanism—have boosted manufacturing. Productivity and growth have increased, and the whole economy has been stimulated. We cannot let the boost that we have provided now, with a 25 per cent. devaluation, slip away as the last few prizes of devaluation slipped away. We must maintain a competitive exchange rate.

More important, we must have an appropriate industrial policy. Exchange rate competitiveness, which means a low exchange rate, is a necessary but not sufficient condition for manufacturing revival. There has to be an industrial policy that will channel investment into manufacturing, help to see it through its difficulties, and break the bottlenecks. Whether we support planning, training, investment, research, design, development or marketing, we must help industry to move forward. We cannot wash our hands of manufacturing if we are to have a viable economy.

Mr. Timms: I am listening to my hon. Friend's speech with great interest. Like the rest of us, he will have been pleased to hear what the Engineering Employers Federation said the other day about manufacturers bringing manufacturing back to the United Kingdom, partly for the reason that he has cited—the exchange rate change—but also because of the benefits of greater reliability and better quality. Before the events of the last couple of years, engineering employers were talking of a renaissance in United Kingdom manufacturing. I think we can afford to be optimistic about the future.

Mr. Mitchell: My right hon. Friend has made a valid point. I was delighted to hear the news that people who had been outsourcing—which produced a series of holes in the fabric of Britain's industrial society—are now bringing the work back to this country, partly because of the devaluation. I want that process to continue, but the Government, and my hon. Friends in general, must bear in mind that this manufacturing recovery is starting

[Mr. Austin Mitchell]

from a low and damaged base. It must go a great deal further, and must be encouraged and supported by Government, before it can produce the effects that I have described.

We have a mountain to climb before we can again provide jobs for the people, pay our way in the world, and rebuild the manufacturing base from which innovation, productivity and national survival spring. That should have been the main message of the pre-Budget report, and because it is not, I am a little disappointed in it.

Several hon. Members *rose*—

Mr. Deputy Speaker: Order. No time limit was applied to today's debate, but the average length of the speeches from the Back Benches has been about 20 minutes. On that basis, we will get only three more contributions. Speeches need to be half that length if everyone is to have an opportunity to speak. I appeal to Members to be as friendly as they can to their neighbours.

4.40 pm

Peter Luff (Mid-Worcestershire) (Con): I will do my best, Mr. Deputy Speaker.

On Tuesday, the Government's flagship Bill, the Fiscal Responsibility Bill, attracted the active interest of just two Government Back Benchers—and they both opposed the Bill. I am not entirely sure that the support that the Government have received from the Back Benches today will be much more welcome. That is not to say that I disagree with everything that all those Members have said. My good friend the hon. Member for Great Grimsby (Mr. Mitchell) spoke about the importance of manufacturing. I entirely agree. Nevertheless there are ways of getting there.

I hope that I will be present for the winding-up speeches. There are some issues about travel this evening and I apologise to Front Benchers if I am not here for their speeches. I will check my trains once I sit down.

> "There were two tests for this Pre-Budget report. First, would it increase the credibility of government plans to restore the public finances? Second, would it be a platform for job creation and economic growth? The government has failed on both counts."

Those are not my words but those of the CBI director general speaking on the day of the pre-Budget report. It is not just big business that has spoken in that way. The Federation of Small Businesses reported that 44 per cent. of small businesses were less confident as a result of the PBR. I do not think that it has been said so far in the debate that we need to remember that the PBR bombed comprehensively on the day and calm and more careful consideration has not made it look much better.

It is important to remember that this is a tragedy not just for the corporate sector, small, large or medium, but for thousands of individuals. The number of 16 to 24-year-olds out of work was 952,000 in the three months to October, a quarterly rise of 6,000 and the highest figure since records began in 1992. The OECD said in September that Britain now has the highest level of youth unemployment in Europe. That for me, of all the shameful failures of this Government, is perhaps the most shameful. I think that that statistic is not properly understood outside this place. I can imagine what would happen if a Conservative Government presided over youth unemployment on that scale. There would be shrieks of horror and outrage from Labour Members, who are very muted today, and tragically so.

I am grateful to the Chairman of the Treasury Committee for his thoughtful contribution to the debate. It was measured, as was the Treasury Committee report that came out yesterday. It is important to remember that it, too, called for much greater clarity over spending reduction plans. It expressed concern about future gilt sales and highlighted fears about Britain's future credit rating. The PBR is being debated in an extremely worrying situation.

I am fond of metaphors. I hope that this is an appropriate one. I see the Prime Minister a little like an arsonist who helped to start a blaze and then wants credit for stopping it from destroying the whole town. Stopping the blaze before it destroyed everything should not be a cause for congratulation if one is the author of the blaze itself.

Three specific and serious mistakes by the Prime Minister when he was Chancellor, which are the background to the PBR, led directly to the recession, or at least its severity. The first was excessive spending in the good times—not mending the roof while the sun was shining. In fact, I would add that his plans added holes to the roof, funded by taxes on the bubble of finance and housing—a bubble that could never endure.

The second problem is excessive debt, built up not just in the public sector, but in the private and corporate sectors, encouraged by the Prime Minister's false promise when he was Chancellor of an end to boom and bust. Thirdly, there was poor regulation of financial services. At least two of those factors were present in the United States of America too, but it will not do for the Prime Minister to claim that the problems that underlie the PBR have their origins in the States or the international economy. They have their origins here, too. The Prime Minister is to blame for the crisis that this country now faces. He has earned no right to be praised, as this country has been mired in the deepest recession since the 1930s and he is part of the reason for that.

It cannot be said too often that Britain is the only G20 country officially still in recession. We might come out of recession in the current quarter, but the fact remains that this has been a huge and severe recession. It has been a personal tragedy for many thousands of our fellow citizens, and the UK has suffered a 6 per cent. cut in the size of its economy, beaten in that regard only by Japan, Italy and, I think, Germany. We have lost that for ever; as growth returns, we will still have lost that part of our economy.

According to a construction survey, the British building industry suffered its 22nd successive monthly fall in activity in December, and employment in the contracting sector fell again last month. Many businesses still fear a double-dip recession, and consumer and business confidence is still fragile, to put it mildly. The PBR succeeded in denting consumer confidence further. Yet, for all this, the Prime Minister wants credit.

The tragedy for our nation is that this is a pre-election PBR. At this time of great economic crisis for the nation, it would be better if we were not on the verge of an election. The PBR has become a product of electoral expediency, not economic necessity. Tragically, it has also exposed the deep divisions at the heart of Government, as well as a very unwelcome desire to create divisions and add dividing lines in politics in general at a time when we should be doing precisely the opposite.

Yesterday, Lord Mandelson made a very thoughtful speech, which was occasionally devalued by political point scoring. In it, he said:

> "We need a politics of long-termism over short-termism; of a smarter, more effective and affordable state; of a return to the values of hard work, enterprise, corporate stewardship and mutual commitment over those of dodging responsibility, making a fast buck, and putting self before others; of working together as a nation to address the shared challenges of the future."

I agree with that, but all we got on 9 December was short-termism by the bucket load. We got a larger, less effective, less affordable state. We got taxes on hard work and enterprise, and deliberate dividing lines designed to split us apart, not bring us together.

Lord Mandelson was right, and the PBR was wrong. As was said in *The Guardian* recently:

> "The Government remains at war with itself, with Brown, Balls and Cooper pursuing the line of 'Labour spending versus Tory cuts' and Mandelson and Darling favouring a pragmatic, deficit-slashing PBR. We can see who won. Lord Mandelson is apparently still seething with anger—'incandescent' at the outcome of the PBR."

As my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) said in his thoughtful remarks, this Government's reaction of retreating entirely into increasing taxes rather than attacking public expenditure is the problem. The large increases in national insurance on all of us in society—including those on below-average earnings—and the 50 per cent. income tax rate are taxes on aspiration, enterprise and hard work.

Lord Mandelson tried to justify that in his speech yesterday. He said that

> "there is never a case for punitive taxation",

but he also said:

> "As for the new top income tax rate, I believe that is justified in the quite exceptional circumstances we face."

What are those exceptional circumstances? As was said in the *Financial Times* on 11 December, the national insurance increase

> "will raise £3 billion a year from 2011, but that money is not being used to pay down the £178 billion deficit; the tax rise is needed to offset Mr. Darling's surprise decision to increase public spending by almost £15 billion in 2011 and 2012 compared with previous plans."

As the Centre for Economics and Business Research put it:

> "If public sector wage inflation had risen at the same time as that in the private sector over the past two years, £21 billion of the national insurance and income tax rises to be introduced in April would have been unnecessary."

These are Government decisions that are making our problems worse, not better. They are taxes on jobs, aspiration and enterprise. They may win some short-term cheers in the run-up to an election, but in the long run they will cause more pain, suffering and economic problems.

The same is true of the bankers' bonuses tax. I loathe the scale of the bonuses, and I agree with the Chairman of the Treasury Committee, the right hon. Member for West Dunbartonshire (John McFall) on that, but not only have the measures to address that been brought forward in a technically incompetent way which caused massive confusion in the City, but they will have a negative impact on our competitiveness. We cannot duck that. We do not live in an isolated country any longer, and I do not see our chief economic competitors—the United States and Germany, for instance—following our lead on that matter.

The scale of our debt mountain is great, and I find it incredible that Government Members are advocating still higher debt. In this week's edition of *The Economist*, estimates of various countries' budget balances as a percentage of GDP for 2009 are listed. By a long chalk, Britain's is the highest, followed by the United States. Only Spain joins us in having double-digit figures. All the rest of the major industrial nations of the world, and some very minor ones as well, are running smaller budget deficits than us.

In September—before the PBR—*The Times* illustrated that dramatically in a leader entitled, "Fainting by numbers". I had hoped to have the time to recite quite a few of those numbers, but bearing in mind your strictures, Mr. Deputy Speaker, I will not do so. I shall just use one. The article stated:

> "The most succinct statistic is also the scariest: by the 2013-14 financial year, government spending on welfare and on servicing the national debt will total £257.1 billion. How much does that amount to exactly? Just over £1 in every £3 that will be spent by the Government."

In other words, these are the bills of failure. I remember what Tony Blair said when he was in opposition about what he described then as the "bills of failure". Those bills pale into insignificance by this scale; we are talking about massive borrowing and massive social security expenditure. Those bills of failure have been brought about by this Government. Richard Lambert's new year message from the CBI stated:

> "The Government has not yet established a credible path back to fiscal stability for the UK. The longer this is delayed, the greater the threat to long-term interest rates and sterling. Everyone knows that painful decisions are going to have to be made sooner or later about public spending and tax. But the timing and shape of these moves remain unclear—and that is another significant concern for business."

I have already said that the problem is that the Government did not fix the roof when the sun was shining, and that is true—the structural deficit is alarmingly high. It is a structural deficit; it is not the product of bank bail-outs and so on. It is the problem of systemic Government failure to manage the public finances appropriately. The Institute for Fiscal Studies wrote the following on the day of the pre-Budget report:

> "The Treasury now believes that the structural budget deficit—the portion of government borrowing that cannot be explained by the temporary weakness of the economy—is 'only' 9 per cent. of national income this year, rather than the 9.8 per cent. it estimated at Budget time. This means that the underlying fiscal problem looks somewhat smaller than it did in March, although still huge by any standard."

It is indeed huge by any standard, but I must add that that is predicated on the very optimistic forecast of a return to above-trend growth rates in two or three years' time. I do not believe that forecast; I do not think we will do that well. Thus, the problem of dealing with this situation is still worse.

I had wanted to talk in detail about one or two specific issues, but I shall just run through them very briefly. I wished to discuss the lack of finance for manufacturing and businesses in general, but that has been done and so I shall not reiterate the point—I

[Peter Luff]

should just say that the situation is extremely worrying. I would have liked to talk about the comments made by those on the Liberal Front Bench about across-the-board cuts in science, but I shall not do that either.

However, I wish briefly to mention manufacturing. I do not want to talk it down—not for a second. It is right to say that, notwithstanding the current recession, manufacturing has grown over the past 13 years under this Government, but it has shrunk massively as a proportion of gross domestic product; it has done that so much more over this period than it did under the so-called Thatcher years. The Government need to think carefully about their policies to deal with that problem and this pre-Budget report does not do that. It talks a lot about future growth, high-technology industries and low-carbon industries, but many traditional industries, for example brick making in my constituency and glass making, have been hit very hard by decisions in this PBR about alterations to the climate change agreements. We are talking about very sharp stealth taxes on traditional manufacturing industries that will lead to further manufacturing job losses in this country, the import from abroad of the products that would have been made here and carbon leakage—no gain, just loss. I urge the Government to think a bit more about traditional industries, as well as about future industries.

I also urge the Government to examine the reasons for the failure of the automotive assistance programme, which has still not delivered a single penny to any automotive business in the United Kingdom a year after it was launched. I welcome the extension of the enterprise finance guarantee scheme, despite the cynic in me thinking that it may have something to do with the fact that the scheme has not got money out of the door quickly enough and the money is still left in the bank, so the Government are extending the period in order to use the same amount of money over a longer time.

The one other issue that I wish to raise is that of a windfall—there is some good news—about which I know the Financial Secretary to the Treasury is aware. It comes from the digital dividend review. I am talking about the sale of the spectrum, which will result in the digital dividend. That spectrum is used largely by television, but it is also used by radio microphones, which are crucial to community halls, outside broadcasting, music, theatre and a range of interests. The Government originally promised to compensate such interests in full for evicting them from the spectrum. The cost of that eviction is about £70 million to £75 million, but it should unlock a windfall of £2 billion for the Treasury. I hope that the Government will stick to their promises, and I have received some encouraging answers from the Minister, who was wearing both of his hats this morning—operating as a Department for Business, Innovation and Skills Minister and as a Treasury Minister—to suggest that they might just do that. I hope that he will stick to that, because that £75 million is the permission to unlock a £2 billion windfall for the Government.

We are not out of the woods yet. The international banking crisis could still get worse. Net lending to companies is still shrinking and we face huge structural problems, but I believe that they can be faced in the lifetime of the next Parliament. As Richard Lambert put it

> "the job of political and business leaders is to focus relentlessly on those policies that will enable a different and more sustainable pattern of economic growth for the future—education and skills, enterprise and innovation, competitive taxes and flexible labour markets, private sector investment, trade growth and open markets."

Sadly, there is little sign of that in this PBR.

4.55 pm

Derek Twigg (Halton) (Lab): First, Mr. Deputy Speaker, may I apologise for the fact that I will be unable to stay for the closing speeches? It has been a pleasure to listen to the debate and some excellent speeches have been made.

The PBR represents firm action to help secure recovery, to go for growth and to halve the deficit in four years while protecting key services, and the subject of key services and public services in general will form a major part of my speech. I believe that the PBR offers a balanced package, and the best economic approach for long-term stability. The Government are taking tough decisions to halve the deficit and to make a range of savings and efficiencies that we know, in some cases, will be very difficult indeed.

I particularly welcome the commitment in the PBR to spending on schools and to NHS expenditure, the increase in the basic state pension and the child element of the child tax credit.

I also want to highlight the issues to do with the tax on bank bonuses, which is very important. We should not be put off by scaremongering. Many of my constituents welcome that tax, as do most people in the country. Some people in the banks got off very lightly indeed. I also welcome the measures to do with tax evasion and tax avoidance, which are very important for fairness and will raise a significant amount of money. They will play an important role in ensuring that we get that money in and that we stop people avoiding and evading tax.

I want to spend some time discussing the issue of employment. I was pleased to see in the PBR that £300 million will be brought forward to offer a job, training or a work placement to every 18 to 24-year-old who has been claiming jobseeker's allowance for six months. Unemployment is a great concern and many people in my constituency have suffered from the economic downturn. However, unlike the Opposition, we have not walked away from that and we are doing all we can not just through the fiscal stimulus but through the other methods that I shall come to shortly. When the Opposition were last in government, they said that unemployment was a price worth paying. We should never forget that.

In Halton in the 1980s, almost one person in five in my constituency was unemployed. Many were pushed on to incapacity benefit. Let me give some figures that I mentioned before. For instance, in August 1985, 19.1 per cent. of the 16-to-19 age group were unemployed. In August 2009, 6.7 per cent. of that age group were unemployed. That is still obviously too many, and we have to do more, but the fact that one in five of my constituents were unemployed for many years shows the massive scale of the problems that we faced then.

We should also not forget the record interest rate of more than 15 per cent. Rates were very high for a very long time, and many people lost their homes. We saw record levels of repossessions with no help from the Government of the time. I am pleased that we are doing more on that. We have helped people to stay in their homes and I hope that the Government will continue to do more. Of course, it is still a personal tragedy for those who lose their homes.

I also want to welcome the improvement in support for debt counselling and advice services and access to them. The PBR provides extra money for citizens advice bureaux, which have helped many people to stay in their homes and to get their debts under some sort of control. Only this week I had a call from a constituent who thanked me for helping her by putting her in touch with the right people to get debt advice. She was then able to get an agreement with the mortgage provider and can now stay in her home. That is not untypical of what has been going on during this economic downturn.

The stimulus has been very important in dealing with unemployment, but my right hon. Friend the Financial Secretary will not be surprised to hear that infrastructure projects are one of the big areas in providing employment and stimulus. May I remind him of the proposed new Mersey crossing? It is a £400 million project and the report of the inspector's recommendations and the inquiry that took place last year is due to land on the desk of the Secretary of State in the next few weeks. The crossing will provide hundreds of construction jobs over the next few years, if it is approved, and about 4,000 or 5,000 jobs thereafter through the economic benefits that it will bring. So, as well as improving the congestion problems in my constituency, and in Merseyside and Cheshire, it is very important for jobs. I hope that when the report lands on the Treasury's desk, the project will get the quickest approval possible.

I want to spend a little of the short time available to me talking about public spending, which the Conservative party sees as a great evil. There have been massive improvements during Labour's time in government: Labour Government expenditure has brought great improvements throughout the country, not least in many public services in my constituency. Many people now take those services for granted, and it is worth reminding them what has happened. The greatest contrast is between hospital waiting lists now and previously, when it was common for people to wait two years or more for an operation. Those waiting times are now down to a few months or even weeks in some cases. That has been a massive turnaround. If anything shows the differences between now and previously, that change is it.

Other benefits in my constituency are the modernisation of many schools with the provision of new buildings and sporting facilities. There have also been tremendous improvements educationally, with many great improvements in exam results. There have been improvements in transport and significant improvements in local health services and access to such services. Whiston hospital, for example, which serves many of my constituents, has received investments of £250 million. There are many private rooms in that hospital. We would like to know what the Tory promise is on private rooms, because they seem to be backtracking again. That brand-new, modern facility will serve my constituents and the wider area, replacing the Victorian buildings that the Tories always thought were okay for treating our people in. There are also improved cancer services, and more doctors and nurses.

Let me make a point about the current weather situation and public expenditure. We should not forget the cold weather payments that are being made. The winter fuel allowance is particularly important to pensioners and the disabled. I want to make that point very clear. The free bus pass for pensioners and the disabled is another thing that is often taken for granted now, and is another example of good public expenditure.

It is important to remind people what life was like under a Conservative Government. We have only to remember Black Wednesday and what happened to the pound then. There were record unemployment rates of more than 3 million, two recessions, long NHS waiting lists, as I have mentioned, and record numbers of repossessions. That is what life was like under a Conservative Government. Even on tax, the Conservatives' record was dodgy. It took them almost 18 years to reduce the tax burden—that was a long-held promise that they made early on in their years of power—so even they had trouble doing that. We should remind people about that.

I believe that our approach to the economy is the right one, and that the Conservative approach lacks credibility—whatever that approach will finally be. The hon. Member for Runnymede and Weybridge (Mr. Hammond) refused to give a date for when he wanted the deficit to be halved when I asked him to do so. He was asked about that two or three times. It is clear that a Conservative Government would revert to type, would introduce massive cuts in public expenditure and would not support public services or maintain the improvements that the Labour Government have made.

Any Government will have to make significant savings, but the speed and scale of the savings will be crucial. That is the difference between the Conservatives and us: we will continue to put whatever stimulus we can into the economy and will also improve public services. The scale of cuts could be horrendous under the Conservatives, but we do not know what the full scale would be because they are not being open and honest about what they intend to do. I believe that we have the right approach to deal with the situation.

I also believe that the people of this country will not be fooled by what the Conservatives are saying. They know what the Conservatives are like and what will be reintroduced if they get back into power. I believe that they will stick with and trust the Labour Government, having seen Labour's good management of the economy. The economic downturn has been handled well, and we have been seen as a world leader in that regard. The downturn has been very difficult for millions of people in this country, but by having a stimulus, by improving public expenditure in certain areas and through good stewardship, we can continue to bring improvements for the future of this country, its public services and the economy.

5.4 pm

Stewart Hosie (Dundee, East) (SNP): When the Chancellor introduced the pre-Budget report, the focus was rightly on the big deficit and big debt numbers. Those numbers included the £178 billion to be borrowed, the £1.7 trillion of national debt forecast for 2014-15 on the Treasury calculation and a share of national debt that will exceed £60,000 per household. They captured the headlines, along with the tax rises, the return of VAT to 17 per cent., and the introduction of the 50 per cent. top rate of income tax. Other headlines were devoted to the introduction of a fuel duty escalator from this spring, and to the national insurance increases for the employed, the self-employed and for employers.

[Stewart Hosie]

Those were the things that captured the headlines. The Government concede that their total package of measures, and the tax rises in particular, will make up about one third of the £57 billion deficit reduction that they need to make after growth, with the remaining two thirds coming from cuts.

Labour has already announced cuts worth £800 million to the Scottish budget, but it is the cuts to UK spending Departments that will almost certainly have a huge impact across the UK and in Scotland. Those cuts have been hidden due to the lack of a comprehensive spending review, which will not now happen until after the election.

However, the Chancellor did say many things in the PBR. He said that his task was

> "to ensure the recovery and promote long-term growth".—[*Official Report*, 9 December 2009; Vol.502, c. 359.]

Yet the PBR and its measures will do no such things, as they will apply the swingeing cuts in public investment that are to come. The Fiscal Responsibility Bill confirms the total level of the cuts, which will do nothing in the short term to secure recovery and promote longer-term growth. Quite the reverse: the cuts—dishonestly presented without a CSR—will suck the lifeblood out of the economy, and make recovery more difficult.

I suspect that there are few people left in the House who fail to understand that it was the 2.2 per cent. increase in Government consumption that pumped some life into the economy at a time when household expenditure fell by 3.6 per cent., business investment fell by 22 per cent, and gross fixed capital formation declined by 17 per cent. I want to spend a little time on the latter point: it is not much spoken about, but it is vital.

Gross fixed capital formation is the investment in capital assets such as the plant, machinery and technology that will be needed in the future. So where were the plans to help that grow? There were few, or none, in the PBR.

The problem is not just with this PBR and what the Government are planning in the middle of the recession, but that the Government's track record when it comes to encouraging investment in gross fixed capital formation has been so weak. Since 1997, the UK has had the lowest average investment of any G20 OECD 12 country. Our investment has averaged 17 per cent., while the OECD G20 group has averaged over 21 per cent. For the six years between 2003 and 2008, our investment in capital formation was the lowest of any of the G20 countries. Between 1997 and 2007, only Russia spent less, and between 2001 and 2002, only Turkey invested less.

Even in the broader list of G2O countries as a whole, only Argentina and Brazil have invested less than this Labour Government have since they came to power. Indeed, since 1997 there has not been a single year when the Prime Minister—either as Prime Minister or Chancellor—has seen a UK investment level that was not below the EU average. That demonstrates that the problem is not confined to now or this PBR, as we have had a systemic problem of under-investment in productive capacity since this Government came to office.

Why is that important? Many hon. Members who have spoken today have said that we have to get back to inventing, developing and making things, and providing the jobs in manufacturing—of all sorts— that our people need. I agree: to paraphrase what the Chief Secretary said earlier, we need to rebalance the economy.

This is all about jobs and, to be fair to him, the Chancellor spoke about jobs and employment a great deal in his PBR speech. He did not tell us that unemployment now is higher than it was under the Tories in 1997, when Labour came to power, and he glossed over the problem of the 943,000 youngsters who are unemployed under Labour now. That is a higher figure than when Labour came to power in 1997.

However, those are not the key things. The key question is: what is the Chancellor's plan? The plan, it would appear, is to slash public investment too quickly and so weaken the chances of recovery. The result of that will be that tackling the deficit and the debt will be rendered more difficult, as will creating employment and jobs—especially if the heroic growth rates fail to materialise, or if we tip back into a double-dip recession. I am afraid that unemployment will keep on rising, as it did for two years after the technical end of the 1991 recession and for three years after the technical end of the 1980-81 recession.

In the pre-Budget report, the Chancellor said that

> "we need to invest in the dynamic sectors of the future—in digital".—[*Official Report*, 9 December 2009; Vol. 502, c. 359.]

Here are some responses from those who work in the digital industry, which is vital to Dundee. Colin MacDonald, studio manager at developers Realtime Worlds, described the PBR as a "missed opportunity". Alan Mitchell, the chief executive of the local chamber of commerce, said that there were encouraging signs, but that many measures were a waste of time and that

> "there was no specific mention of the games industry."

Dr. Richard Wilson, of TIGA, the software firms' association, said:

> "While the public finances need to be brought under control…the UK economy desperately needs to go for growth."

But, of course, there was nothing in the PBR for the games sector in particular.

Mr. Timms: The hon. Gentleman will recognise that there was a substantial announcement of support for a centre of excellence, including for companies in Dundee. We will continue to look at the industry's case for a change to tax treatment.

Stewart Hosie: I am delighted that the case for a change in the tax regime will continue to be monitored. I am also aware of the announcement of the project in Salford.

Mr. Timms: And in Dundee.

Stewart Hosie: I shall return to the Dundee aspect.

A great deal of public money is to be spent on that centre, but I wrote to the Minister or one of his colleagues to suggest that they needed not only to be very careful of unintended consequences, but to ensure that the vast amount of public money being invested in the new centre did not have a detrimental effect on the sector and on employment in the city. I am very well aware of the centre and the potential risks that follow it.

The Chancellor spoke about the need to invest in the digital and other dynamic sectors of the economy, but for those at the coal face of the digital economy there was little but let-down in the PBR. The reason I cite the software and games sector is not just because it is important to Dundee, but because it is an export business; it generates revenue for the UK. In the PBR the Chancellor said that export trade had been hit hard, and boy was he right.

We had a total trade deficit of £37 billion last year, and a colossal £93 billion deficit in the trade in goods—all that, as others have said, at a time when sterling was down massively against the dollar and the euro. As a result, GDP growth was suppressed by about 1.5 per cent., but there was nothing in the PBR specifically to stimulate export activity other than the statement's vain hope that demand from the US and the euro area might pick up.

The Red Book suggested that GDP would be enhanced by about 0.5 per cent.—that there would be a 0.5 per cent. contribution to GDP growth from 2010 onwards. But, given that, on average, the balance of trade deficit suppressed such growth between 2000 and 2007, I hope that that is not Government wishful thinking.

I am conscious that other people want to speak, so I shall make three final brief points. First, the Chancellor said:

> "We must continue to support the economy until recovery is established."—[*Official Report*, 9 December 2009; Vol. 502, c. 359-60.]

But on Tuesday he said that we are still in recession, yet the cuts have already been announced, so that makes no sense.

Secondly, the Chancellor said:

> "To cut support now could wreck the recovery. That is a risk that I am not prepared to take."—[*Official Report*, 9 December 2009; Vol. 502, c. 360.]

However, the International Monetary Fund has confirmed that the UK will be the only G7 economy fully to withdraw its fiscal stimulus measures in 2010.

Finally, on the low-carbon economy, the Chancellor said that he was determined to build on strengths today by maintaining what he called the UK's

> "leadership in the low-carbon sector".—[*Official Report*, 9 December 2009; Vol. 502, c. 364.]

However, we have heard it all before. The 2005 Budget stated:

> "The Government is…examining how it might support the development of CCS"—

carbon capture and storage. The 2005 pre-Budget report stated:

> "Carbon capture and storage protects the environment from carbon emissions by containing them at source."

In the 2006 Budget statement, the Chancellor said that following a joint study with the Norwegian Government, the Government were going to take measures on carbon capture and storage, and the same thing was repeated in the 2006 pre-Budget report and the 2007 Budget statement. We had one such statement after another up until early 2007, and by 23 May BP had pulled out its £500 million investment in Peterhead and taken it to Abu Dhabi because this Government could not make a decision. That shows the systemic problems that we have. There is talk about investing in digital, and then disappointment for those in the sector; talk about not withdrawing the stimulus before the recovery, and then doing precisely that; and talking a good game on the low-carbon economy, and then failing to deliver. That has been the hallmark of this Government over many years.

At its heart—this is a tragedy, because there is a big job of work to be done to tackle the problems in the economy—the PBR was an invented political dividing line whereby the Government pretended that one party was not cutting and that another one or two parties might do so. The truth is that whether it is a Labour cut, a Liberal cut or a Tory cut, making it too early and too quickly will damage everybody's chances of recovery.

5.16 pm

Phil Wilson (Sedgefield) (Lab): This is a general debate on the pre-Budget report, but it is a good opportunity for Members in all parts of the House to get various points across on a very important issue.

For me, the PBR was about whose side the Government are on. I believe that the Chancellor proved in his statement that they are on the side of the people from hard-working families who were left behind in previous recessions because unemployment was seen as a price worth paying. This Government do not believe that it should be the function of financial markets to make money out of other people's misery. The PBR was about making choices and naming priorities. The Government's whole economic strategy, since the global economic crisis started in autumn 2008, has been to be on the side of the people.

In my constituency, unemployment currently stands at 2,361. Yes, it has gone up during the recession, but it is still half what it was during the 1980s, when 5,500 people in my constituency were out of work—40 per cent. of them, or more than 2,000, for more than 12 months. Today, about 88,000 people in the north-east are out of work; in the 1990s, at the height of the recession, the figure was more than 100,000, and in the 1980s it was more than 200,000. Today, 1.5 million people are on jobseeker's allowance; in the 1980s, more than 3 million were claiming the equivalent benefit. Today, youth unemployment, if we strip out those young people who are in full-time studies, stands at 9 per cent.; in the 1990s, it was 12 per cent., and in the 1980s it was 13 per cent. Some people expected home repossessions to go through the roof; they have not, but they did in the 1990s. People thought that businesses would go to the wall more rapidly, but they have not, unlike in the 1990s. Today, 70 per cent. of people who are out of work find a job within six months, and the future jobs fund will guarantee that every 18 to 24-year-old receives training after six months. A package of £5 billion is being spent to ensure that our young people get through the downturn. Some people would not have spent that money because they believed the recession should have been allowed to take its course, but surely this initiative is underpinning the economy by helping consumption, which in itself helps to create growth.

However, things are still tough. It was right that the Government intervened to introduce the fiscal stimulus, which has prevented the economy from entering a second great depression; the rest of the world is doing something similar. We are able to borrow money to aid the recovery because before the global economic crisis our debt levels were lower than those of a lot of our competitors. In the Fiscal Responsibility Bill, the Government have said that over four years they intend to cut the deficit by 50 per cent. from 12.6 to 5.5 per cent. They have identified billions of pounds of savings through "smarter Government" reforms. There is a new 50 per cent. tax

[Phil Wilson]

band, an increase in national insurance, and a payroll tax on bank bonuses. Because of the fiscal stimulus measures taken by the Government, growth will also enter into the equation eventually.

The Tories lack the political judgment that is needed in tough times. They were wrong on the recession and they are wrong on the recovery. To me, that is a fundamental dividing line between the Government and the Opposition. The Conservatives are the only main political party that aspires to government in any of the 186 states of the Iinternational Monatary Fund that actually believes the fiscal stimulus was a mistake.

The Opposition want to do away with dividing lines, and they have started to say that the Government are using class war. That is not the right attitude to take, and in a democracy it is the wrong way to approach politics. The success of this Government is based on a broad coalition of beliefs in the country and it cuts across so-called class divides, which is why in a few months' time we will win the next election. The other reason is that my constituents are deeply concerned about what would be taken away from them if ever the Tories got into government.

In all my years of political involvement, the only evidence of class war that I have ever experienced was the division created within, and the ultimate closure of, the communities that I grew up in by the Conservative Government during the 1980s. Communities were closed and left behind. To me, the backdrop of "Billy Elliot" is not just a west end show; it is something I lived through. I will never believe the Leader of the Opposition when he purports to be a progressive Conservative until he apologises for the callous behaviour of his predecessors. Class war should remain back in the 1980s—I actually agree with the right hon. Member for Hitchin and Harpenden (Mr. Lilley) about that.

Since then we have had 13 years of a Labour Government, and now we have something called the "progressive Conservatives" because the Opposition know that to stand any chance of getting elected, they have to prove that they have moved on and been reincarnated into a more cuddly version of their former selves. But they have not changed. We now see dividing lines that they interpret as class war. I do not really care whether the Leader of the Opposition went to Eton; my predecessor went to Fettes college, which was seen as being the Eton of Scotland. However, I must say that as a parent I would be really disappointed if I spent all that money on my children's education and they still turned out to be Tory MPs. At least my predecessor obviously learned something.

I understand that there are something like 15 Etonians on the Conservative Front Bench. What would they say if there were 15 Members on the Government Front Bench at any one time who had attended, let us say, Sedgefield comprehensive school or Wellfield community school in my constituency—two perfectly good schools with excellent teachers and pupils—or any other state school, for that matter? What would be the reaction of some? That it was a conspiracy and that the old school network had penetrated the highest echelons of the establishment. Surely that should not be allowed to happen.

I want people from all backgrounds, including from all state schools, to be given the opportunity that has been the preserve of the few for so long. That is why this Government have invested so much in education and the Opposition have opposed it. Any pupil of any school should be allowed to aspire to serve in government, and the broader their experience the better. That is aspiration, and it is what the PBR is intended to underpin.

For me, the PBR is symbolic of the Government's intent, and the Opposition's criticism of the report's fundamentals also speaks volumes. I am not surprised that they want to do away with any talk of dividing lines and are trying to say that it is about class war, because they are on the wrong side of the argument. For all their efforts, they have not changed. They are not progressive Conservatives at all—how can a person be? They can be either progressive or conservative. A progressive would have voted for the creation of the NHS; a conservative would have voted against it. A progressive would have voted in favour of the minimum wage; a conservative would have voted against it. A progressive would vote for investment in health and education; a conservative would vote against it. In this House, I am pleased to be on the side of the progressive. A progressive looks for consensus and acts accordingly. A conservative, in the country's hour of need, makes it his priority to cut tax for the 3,000 largest estates. In this recession, who is looking after the concerns of the many and who is looking after the vested interests of the few?

I wish to say one thing about bankers and bonuses. I read a report in *The Times* on 4 January stating that Deutsche Bank, which incidentally lost $10 billion during the credit crunch, wants to spread its UK tax across the pot that it holds globally because, as its chief executive officer said, it would be

"unfair to treat the UK bankers differently".

He wants all his bankers around the world who are due bonuses to do some of the heavy lifting. Basically, that gives us an opportunity. The Government should be acting internationally to ensure that bankers are treated the same all around the world. The problem we have is a global challenge. Economies acting in concert should consider a Tobin tax. Even if we do not have a Tobin tax, we need to create mechanisms that help to stabilise international transactions, so that financial planning is a long-term objective and transactions are not used as a means of short-term gain.

While hundreds of thousands of our constituents pay the price for the bankers' failures, the Opposition do not think twice about filling their election coffers with millions of pounds from the City, including from Stanley Fink, the supposed godfather of hedge funds, who has given £1 million to the Tory party. In fact, on the way to half the cash raised by the Tories has come from the City. It is no wonder that one of their priorities is to cut tax for 3,000 large estates. So much for progressive conservatism.

I want to say one last thing about how we get out of this recession and about the Tories' approach to the PBR. They basically want to create a quango rather than have Parliament oversee how we get ourselves through this time and pay down the debt in the next four years. Ultimately, that is about what kind of society we want. We want a good society, governed by smart government. The only way that we are ever going to achieve that is through this PBR and this Government acting with the people to ensure that we elect a Labour Government in a few weeks' time.

5.26 pm

Paul Farrelly (Newcastle-under-Lyme) (Lab): I recognise the difficult balancing act the Chancellor faced in compiling the pre-Budget report in the most difficult economic and financial circumstances that we have faced in many years, as he will with the Budget proper. However, on fairness and taxation, I and many others believe that he has not quite got the balance right.

Every economy will have its peaks and troughs. No Government are potent enough to abolish the economic cycle, and no Government in the free world can dictate human nature, with its swings of optimism and pessimism, and the credit cycle, which results from the expansion of banking and credit over the centuries. However, it is important that the Government recognise the dangers and weaknesses within the modern free market and act accordingly, through fiscal and monetary policy in wider economic management, and through a robust framework of regulation, and the willingness to act promptly, when the public interest demands it, in the financial markets.

Before becoming an MP, my career was in banking and then in financial journalism. Latterly, I was the City editor of a national newspaper. From the early 1980s, I either witnessed close-up or reported in detail on each major financial and economic crisis as it unfolded, including the 1987 stock market crash, the 1990s recession, sterling's ignominious exit from the European exchange rate mechanism, the problems that engulfed the Lloyd's insurance market—the so-called LMX spiral—when nobody knew where the risks really lay, and the bail-out in the late 1990s of the massive US hedge fund Long-Term Capital Management, which happened because the Clinton Administration and, importantly, Wall Street, did not know where the liability merry-go-round would stop and how much damage could be done to the global financial system. The unique problem in my working life—it forms the context of this PBR—is the current credit crunch and global recession. In this crisis, the aspects of those other crises, save for the problem of maintaining a fixed exchange rate, have descended on us at the same time.

History will tell, but arguably the key individual action that crystallised the credit crunch, ignoring previous lessons from the 1990s, was the Bush Administration's decision to let Lehman Brothers go to the wall. Equally arguably, the single most important policy action to contain the damage was taken first not in the United States but here in the UK—prompt and decisive action to rescue the banking system by the Chancellor and the Government. That happened not in the bankers' interests, but in the public interest. Also in the public interest, the Government responded to stimulate demand and to contain a more damaging downward economic spiral, as any intelligent reader of history would have done. That is the background against which the Chancellor delivered the PBR before Christmas.

The key difference between this recession and the one in the 1990s is that in this one, the Government have taken positive action to ameliorate its effects—they have not simply let events take their toll on industry and ordinary families. The key difference with the 1980s is that this recession was precipitated by a massive shock to the financial system. True, it was not helped by over-lax financial regulation, with the Government, in good economic times, continuing the previous Conservative approach. But unlike the 1980s' recessions, it was not brought on by the Government themselves through ideological experiments in monetary policy as a dose of harsh medicine, a self-inflicted pain that harmed much of our manufacturing industry, especially in areas such as mine in north Staffordshire, and permanently blighted much of our economy and many of our local economies.

Any reasonable person should welcome the individual measures in the PBR to help industry and businesses, as well as the determination not to jeopardise recovery by cutting Government spending too far or too fast. However, I would have liked the Government to go further on manufacturing. The financial crisis has delivered the sharpest lessons on the dangers of over-reliance on the financial sector and the City of London with all its short-termism. It is vital that we have a whole new emphasis on and encouragement for manufacturing. Our major competitors—Germany, France and Japan—do this. There, it would be inconceivable that only a fraction of the machinery for one of the UK's biggest renewable energy projects—the London Array—would be supplied by domestic companies. We have simply not taken enough advantage of new or existing industries.

Anyone who had cause to go to the old Department of Trade and Industry to seek help for industry would have been dismayed by the "hands off, can't do and won't help" mentality of officialdom. That was another painful hangover, like the so-called light-touch regulation of the City, from the Thatcherite days. A whole new attitude and approach is needed. I encourage the Chancellor to take up that theme strongly when he presents the Budget proper.

The Chair of the Select Committee has already addressed at length the City and financial regulation, including in particular the importance of getting performance incentives right—

Frank Dobson: What is my hon. Friend's response—

Mr. Deputy Speaker: Order. If the hon. Member for Newcastle-under-Lyme (Paul Farrelly) is giving way, he must not remain on his feet.

Frank Dobson: Does my hon. Friend agree that the public should be slightly daunted by the fact that no fewer than 50 of the new and improved Tory candidates actually work in the City of London and must have been involved in some of the dubious transactions that got us into the mess we are in?

Paul Farrelly: I was involved in the City myself many years ago, and I had very good reasons for leaving it. My right hon. Friend may not be surprised to learn that the City will be well represented in the constituency of Newcastle-under-Lyme during the next election, as my Conservative opponent is 27 and a City lawyer with Sullivan & Cromwell, which advised Lehman Brothers just before it collapsed. He will be close at hand on Monday, when bankers and lawyers will be emptying their wallets at the Carlton club—president, one Margaret Thatcher—for a £65 a head fundraising dinner. I have the invitation here if my right hon. Friend wishes to take it up.

[Paul Farrelly]

It is clear that the behaviour of City bankers has not changed, even in cases when the banks have benefited from the public purse, even given the reduced competition after the turmoil. The extra levy on banking bonuses is therefore welcome. It is only a short-term measure and it may be subject to fancy avoidance schemes, but it is important in encouraging a greater sense of responsibility in the City. I wish that the Government had done it and been tougher in action and rhetoric before. Shareholders—the major pension funds and insurance companies investing our money—should also have taken a more active stance in the past.

In the PBR, the Chancellor also said it was important to take tough decisions on tax now. He said that he was determined that any tax increases would be guided by our values of fairness and responsibility. In a decent, civilised and progressive society, that overall philosophy is surely right. In the PBR, the Chancellor has finally recognised that a quarter of all the money spent on pension tax relief goes to the top 1.5 per cent. of earners. He will now reduce those benefits. I welcome that limited measure, but again wish that the Government had done it before.

With respect to fairness in taxation, there is one glaring issue that this PBR, like its predecessors, does not address. That is the rate of capital gains tax which, at 18 per cent., remains lower than the basic rate of income tax and much lower than the higher rate of income tax. As such, it remains unfair: some of the lowest-paid workers will pay a higher rate on hard-earned income than many wealthy people will on unearned income. Also—this is very important—it constitutes a continuing huge incentive to tax avoidance. To eliminate that incentive, therefore, and to protect the tax base, capital gains tax should be aligned with the marginal rate of tax. I hope that the Chancellor will address that glaring anomaly in the Budget.

We inherited that position from the Conservatives in 1997. Progressively, we reduced it under taper relief, which between 2001 and 2008 cost the Treasury an enormous amount of money—£28.1 billion. To put that into context, it is £6 billion more than the £22 billion proceeds from the 3G mobile phone licence auction, which itself reaped more for the Treasury than all previous privatisations put together. Far from taking the long view, the move has encouraged exactly the opposite: a constant churning of deals and investments. The British disease became ever more rampant, and frankly it was a huge tax break that in great part went to the City and private equity.

I do not yet have figures for how much the change to 18 per cent. is estimated to have cost. In the future, it would be useful if the Treasury could provide them and explain why we have yet to address the glaring anomaly that I have highlighted. According to the Treasury's own figures, a rise in the marginal rate of tax would raise £2 billion for the public finances. The proposal to lift the rate of national insurance by 0.5 per cent. would raise £3 billion and mean that, however regrettably, ordinary families would share the burden. In the interests of fairness, however, it is important that the anomaly be addressed.

In conclusion, I welcome much of what is in the PBR, but in many respects, particularly on encouragement for manufacturing and fairness in taxation, we could be much bolder. I hope that the Chancellor will address those issues in the Budget.

5.36 pm

Mr. William Bain (Glasgow, North-East) (Lab): The pre-Budget report safeguards vital investment in schools, hospitals and policing, and more importantly helps to create employment and training opportunities across the country as we prepare for the return of economic growth this year, after what was, in 2009, the most difficult year for the UK economy since 1922.

No country has been insulated from the devastating effects of the collapse in the derivative markets, which has been the root cause of the recession. This has been the first global recession of a globalised financial system. However, the Government have taken strong action to recapitalise the banks and save the financial system through £850 billion in recapitalisations, loans and other guarantees. They have also shown strong leadership at a time of economic crisis.

The Bank of England has also taken decisive action in monetary policy in maintaining interest rates at 0.5 per cent., and in my view the policy of quantitative easing has been broadly successful in injecting almost £200 billion into the economy through asset purchases. As the Japanese recession of the 1990s and early 2000s has shown, interest rate reductions on their own cannot generate a lasting recovery. On that point, I take issue with the shadow Chief Secretary, the hon. Member for Runnymede and Weybridge (Mr. Hammond). In Japan, quantitative easing was used too late and too weakly to produce a strong stimulus for recovery. To produce a strong recovery here, fiscal policy is as important as monetary policy, which is why we need to maintain an equally bold direction in fiscal policy in 2010, to make it a steady year of recovery that benefits everyone.

The real issue dividing the House is whether that stimulus should continue this year to allow for stronger growth in 2011 or whether we should engage in fiscal retrenchment through deficit reduction now. In my view, taking the latter approach this year would be disastrous for our prospects and run the risk of a double-dip recession. I take issue with the right hon. Member for Hitchin and Harpenden (Mr. Lilley) on this point: despite her many mistakes, which generated great hardship for my constituents in the 1980s, the noble Lady Thatcher did at least not cut public spending in the immediate aftermath of a recession, which the Conservative party is proposing to do now.

Time is marching on and the wind-up speeches are about to begin. I urge the Government to continue the fiscal stimulus this year. It is a policy that will promote much-needed employment in my constituency and those of many right hon. and hon. Members. I commend the pre-Budget report to the House.

5.39 pm

Mr. Greg Hands (Hammersmith and Fulham) (Con): It seems like an awfully long time since the publication of the PBR for us to be debating it now. If the Government had followed the Opposition's advice and moved the start of the Christmas recess, so that it was actually closer to Christmas, we could easily have debated the PBR when it was truly tropical. Nevertheless, as we know, this debate is all about the deficit and how we secure economic recovery in this, the last G20 country still in recession.

I will deal with the deficit and bond markets in due course. However, it is interesting that today, in the week that PIMCO, one of the world's largest bond funds, starting dumping UK Government gilts and only a few weeks after the OECD, the CBI and the Bank of England all warned that there was no proper plan in place to deal with the deficit, we have seen no response from the bunker, other than the pathetic Fiscal Responsibility Bill, which panned so badly on Tuesday. Not only is there is no plan; as I said from this Dispatch Box in October, the Government seem to be reverting to the view that there is actually no problem, returning to their position of last June, which is that there will be growth in spending after all.

I want to digress for a moment and mention one item in the PBR that has not been mentioned today, namely the one tax cut in it, which is actually another tax con. The Chancellor has reduced bingo duty from 22 to 20 per cent., without bothering to mention that it was 15 per cent. before the last Budget. The Government claim that removing VAT offset the damage, but their sums were a mess. Even with duty at 20 per cent., bingo players today are paying more.

Listening to the Back-Bench speakers, I noticed a curious tale from those on the Government Benches. Perhaps they thought better of it, but on Tuesday there were no Government Back-Bench speakers whatever, on the Government's flagship Fiscal Responsibility Bill. Clearly the Whips put out the call today, and the call was answered. The first three speakers were, again, mainly opponents of the Government, which I think is a sign of Labour's lurch to the left. Perhaps the Whips decided to bring them in here to prevent them from plotting.

We heard similar themes from the right hon. Members for Holborn and St. Pancras (Frank Dobson) and for Oldham, West and Royton (Mr. Meacher) and from the hon. Member for Great Grimsby (Mr. Mitchell)—real "Back to the 1980s", old Labour socialism. We even heard an incredible and wide-ranging attack on the financial services industry as a whole from the right hon. Member for Holborn and St. Pancras, which I found remarkable coming from the man who not so long ago ran to be Mayor of London.

We also heard from two or three other Government Back Benchers who were perhaps a little less opposed and a little less socialist. The hon. Member for Sedgefield (Phil Wilson) seemed to be rather obsessed with class and what school people had been to. I shall have to disappoint him, because, in 386 years, I am the only former pupil of the state school that I attended to become a Member of Parliament, which would seem to contradict his overall thesis that everybody on the Conservative Benches comes from Eton.

Among Opposition speakers, we heard from my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley), who made a sound attack on the Fiscal Responsibility Bill and powerfully outlined the urgent need to close the deficit, the dangers of high interest rates across the economy and the lessons to be learned from domestic and international experience. My hon. Friend the Member for West Suffolk (Mr. Spring) also eloquently outlined the challenges ahead if the Government do not get a grip on the deficit. Indeed, his insights on financial matters will be much missed in the next Parliament.

My hon. Friend the Member for Mid-Worcestershire (Peter Luff), who has had to go back to Worcestershire, also made a good speech—a real tour de force—about the PBR, and in particular about how it affects industry. I should also mention my hon. Friend the Member for Putney (Justine Greening). She tried to get in, but there was simply too much demand to speak.

The hon. Member for Dundee, East (Stewart Hosie), who was the only Back-Bench speaker from a party other than the two major parties, also returned our focus to the PBR and Government failings in industrial investment, and highlighted high youth unemployment.

The hon. Member for Newcastle-under-Lyme (Paul Farrelly) made a slightly more thoughtful contribution, and we also heard a short but useful contribution from the hon. Member for Glasgow, North-East (Mr. Bain).

To return to the deficit, the British people clearly get the message that they have over-borrowed. According to the most recent figures that I have seen, new consumer borrowing per household has fallen, from £11.11 a day in January 2008 to just 34p a day in October 2009. The equivalent figures for new Government borrowing over the same period have risen from only £3.65 to a staggering £18.44 per household per day. I applaud the efforts of the British public to get to grips with their own debt. As the shadow Chancellor said, we are all in this together. Imagine our dismay, therefore, that the good work done by the British consumer to repair his or her own balance sheet has been submerged by the explosion in Government borrowing overseen by those on the Treasury Bench.

There is a link between consumer credit, our disastrously poor savings ratio over the past 10 years, and the all-important bond markets. The Financial Secretary to the Treasury, who is going to wind up the debate, knows that I used to work in the international fixed income markets, so he could take heed of my warnings. Official and market interest rates are currently very low, but great care will be needed in the future. Forward interest rates—the indicator of where the market thinks rates are heading—are much higher than short-term rates. In fact, the multiplier of headline long-term rates, at about eight times the level of short-term rates, could represent a historical record. It is worth remembering, as I have said before in this place, that a half per cent. increase in interest rates is far more significant when rates are low than when they are high.

So the market is already anticipating substantial rises in interest rates. Even before any such rises have taken effect, debt interest is projected by the Treasury itself to rise from £22 billion this year to £67 billion in 2013. Obviously, the debt interest bill will rise substantially if interest rates rise significantly. That is another reason why fiscal responsibility is so important. If the Government continue to borrow uncontrollably, not only will the interest bill rise substantially, and potentially unsustainably, but the public sector will crowd the private sector out of the credit market. Members on both sides of this House rightly urge that more credit be offered to small and medium-sized enterprises, but this will be made much harder if we do not get a grip on the public finances and, at the same time, do all that we can to keep interest rates low.

[Mr. Greg Hands]

Our deficit is the worst of any major country. As I pointed out earlier in an intervention, the overall amount of debt in countries such as Italy and Japan is higher, but they have the saving grace of having a significant savings market. This country does not have such a market, due to the appalling decline in our savings ratio over the past 10 to 12 years. This is also where the public finances link in to our consumer debt problems. The crucial point is that if we divide the percentage of GDP that each country's outstanding debt represents by its domestic savings ratio, we find that we are actually in a far worse position than other countries—possibly even than Japan.

We are already highly dependent on foreign demand, which means that we have to keep an eye on our currency strength as well as on our international credit rating. There has been a great deal of talk in recent months of credit rating downgrades and the possibility of gilt buyers' strikes. Neither of those risks should be underestimated, but another risk is that uncontrolled borrowing will lead to higher interest rates, both for the Government and for the wider economy, almost regardless of what happens to our credit rating. The market could make borrowing much more expensive than should ordinarily be the case, and the Government could end up paying large premiums for their borrowings. So whether long-term Government borrowing rates are at 4 per cent., 6 per cent. or 8 per cent. will make a huge difference to the public finances and to how much we can spend on our cherished public services.

My hon. Friend the Member for Runnymede and Weybridge (Mr. Hammond) called for clarity and honesty from the Government, as did the Chairman of the Treasury Select Committee, the right hon. Member for West Dunbartonshire (John McFall). The biggest failure of this Government is their failure to be honest with the public, or even with themselves. Everyone knows that the deficit will require cuts to public spending, but still the Government will not reveal their plans for departmental spending.

This fraudulent approach was displayed in all its glory by the Chief Secretary to the Treasury on Monday night in his appearance on "Newsnight". With incredulity pushed to the limit, Jeremy Paxman asked him:

> "Do you mean to say that a government which only two or three years ago was giving us public spending forecasts for the next three years will go into this election unable to tell us what will happen over the next eleven months?"

What was the clear, honest answer from the right hon. Gentleman?

> "No, because the comprehensive spending review is about three years; that's starting in about eighteen months time."

Having digested that, Paxman tried again:

> "So, we are going to have a budget, are we, that is not going to tell us what's going to happen to departmental spending?"

This time, there was an admission from the right hon. Gentleman:

> "I think that is possible."

What a shoddy excuse for a Government!

In conclusion, the facts are these. In 1997, Labour inherited an economy in very good shape, characterised by low national debt, flexible labour markets and strong private pensions. All three of those areas have been gravely degraded.

I end with this thought. When it comes to spending and the deficit, the Government are behaving like a set of habitual drinkers, gathered around a table in a dingy pub as chucking-out time approaches. Everyone else in town, even those in the pub, can see that it is time for them to be slung out, but they are discussing going for one last binge. The way to avoid the hangover, they say, is to carry on drinking to the end. The worst offender is the boss himself, sat there with his two mates. Suddenly, the slightly more responsible Chancellor, who is actually the designated driver, weakly suggests that it might be time to stop. Heated discussion ensues: the Chancellor suggests that it is time for the boss to give up entirely, but suddenly, the boss's best mate of all returns from the bar clutching two bottles of whisky. Last orders are approaching for these people. The binge needs to end, the Government need to sober up and the whole country can see that it is time urgently to change course.

5.51 pm

The Financial Secretary to the Treasury (Mr. Stephen Timms): We have had a good debate. My right hon. Friend the Chancellor delivered the 2009 pre-Budget report after a very difficult period for the world economy. As we see signs of recovery, new confidence has been achieved through co-ordinated action by Governments and central banks around the world, co-ordinated successfully through the UK presidency of the G20. Britain's Prime Minister deserves enormous credit for that achievement.

What we can now do is compare the effect on jobs and families of the recessions of the 1980s and '90s—home-grown problems those, as my hon. Friend the Member for Newcastle-under-Lyme (Paul Farrelly) pointed out, not worldwide ones—with the recession that we have just been through. Those comparisons are made in the Treasury Select Committee report before us and they were also made by a number of contributors to the debate, including my right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson), who rightly set out in sombre terms the consequences of some of the policies urged by Conservative party supporters.

In the 1990s, home repossessions reached 75,000 a year. The Council of Mortgage Lenders forecast 75,000 repossessions again in 2009. A few weeks ago, it cut that estimate by more than a third because the policy of protecting home owners through the recession has worked. The alternative policy urged upon us—of letting the recession take its course—would have led to far more repossessions, such as we saw in the 1990s.

In both the 1980s and 1990s recessions, the number claiming unemployment benefit reached 3 million. Many of us remember all too well the damage to our communities that resulted. We heard about that in the excellent speeches by my hon. Friends the Members for Halton (Derek Twigg) and for Sedgefield (Phil Wilson). Today, the number is just over half that—less than 1.7 million. In the most recent figures, it went down. The increase in unemployment has been half of what was forecast. Our policies of supporting the economy and supporting jobs have been working.

Let me say to Conservative Members that the right hon. Member for Hitchin and Harpenden (Mr. Lilley), in an interesting speech, really let the cat out of the bag. The policies urged upon us by the Conservative Front-Bench team are exactly the policies applied by the Tory Government in the 1980s. The difference between us is whether those policies were successful or not. The right hon. Member for Hitchin and Harpenden clearly takes the view that that was a successful experience of management of the economy, but I have to tell him that that is not the country's view. As my hon. Friends have said, the realities of that experience should be taken to heart by Conservative Members.

We have not seen in this recession the big increases in long-term unemployment that were so damaging in the 1980s and 1990s, or the big rise in the number receiving sickness benefits, which was in some ways the worst aspect of the 1980s recession, when jobcentres were incentivised to move people from unemployment benefit on to sickness benefit. Quite a lot of those people who went on to sickness benefit in the 1980s never worked again. We are still paying the price for the way in which that recession was managed by the Tory Government. As we have heard, businesses are failing at about half the rate that we saw in the earlier recessions. To put it bluntly, Labour policies have worked a great deal better than Tory policies did.

The pre-Budget report, however, did not look back; it looked forward. Big challenges remain in the world economy, and our challenge now is to secure the recovery. That is why, in the pre-Budget report, my right hon. Friend the Chancellor decided to continue support for the economy now, which is what we should be doing. My hon. Friend the Member for Glasgow, North-East (Mr. Bain) was right to underline that point. We must continue to invest in services on which people rely, and in industries that will support our future.

The pre-Budget report also spelt out our commitment to halving the deficit over four years. The shadow Chief Secretary, the hon. Member for Runnymede and Weybridge (Mr. Hammond), appeared to edge towards agreeing that that was the right period in which to tackle the task—which would constitute a striking U-turn, given all the U-turns, forwards and then backwards, that the Conservatives have performed this week. The Conservatives have demanded greater detail from the Government, but we still have not heard their target for the deficit.

The hon. Member for Twickenham (Dr. Cable) made a characteristically thoughtful speech. He was right to spell out the dangers of precipitate spending cuts, and I welcomed his assessment of the PBR stance, which I think he described as reasonable. He asked whether the bank bonus tax should be made permanent. My answer is no, it should not. It is a one-off measure. For the long term, we shall have the Financial Services Bill and the G20 rules on bankers' remuneration.

The Chairman of the Select Committee, my right hon. Friend the Member for West Dunbartonshire (John McFall), spoke of the importance of keeping an eye on the problem of child poverty. We announced in the PBR that households receiving full tax credits and with incomes up to around £16,000 a year would qualify for free school meals for children of primary school age. That will boost the incentive for parents to obtain work and will reduce child poverty. The Select Committee was right to underline the continuing importance of our goals in that regard.

As my right hon. Friend the Chancellor has observed on numerous occasions, support in the downturn goes hand in hand with steps to rebuild our fiscal strength once recovery is firmly established. The right hon. Member for Hitchin and Harpenden suggested that the pre-Budget report had not had much to say about that. He was entirely wrong. Across the world, countries are borrowing more. Stabilising the banking system and supporting the economy impose costs, although those costs will be much lower in the long run than they would be if we decided to let the recession run its course. Now, support during the downturn needs to be followed by steps to restore the public finances once recovery is established.

We have set out clear goals for the consolidation. We have specified in the pre-Budget report how much we expect to spend in each year up to 2014-15 and how much we expect to receive in tax payments in each of those years, given the tax measures that we have announced and published. As a result, the deficit will fall to 5.5 per cent. of GDP by the end of that period, less than half the current level. Given further consolidation thereafter, debt as a share of GDP is projected to fall in 2015-16. To secure consolidation, the pre-Budget report announces tax rises for those with the greatest ability to pay, while ensuring that those on the lowest incomes will be protected.

The pre-Budget report was right to support the economy in the way that it did and we were right to support the economy during the downturn, but now, as the economy starts to emerge from the crisis, we must not think that the job is finished. We have a great deal more to do over the next few years. The pre-Budget report set out actions to secure the recovery, to restore the public finances as we must, and to build our future. I commend it to the House.

Question put and agreed to.

Resolved,

That this House has considered the matter of the Pre-Budget Report.

Umbilical Cord Blood

Motion made, and Question proposed, That this House do now adjourn.—*(Lyn Brown.)*

5.59 pm

Mr. David Burrowes (Enfield, Southgate) (Con): It is a great pleasure to have secured this Adjournment debate. I think that I was the first Member to raise the issue of umbilical cord blood as a private Member's Bill, and subsequently I raised it with other hon. Members during the passage of the Human Fertilisation and Embryology Act 2008. Courtesy no doubt of Google word searches, my interest has led to a number of academics contacting me about their research into cord blood. I imagine that this debate will keep me at the top of the umbilical cord blood search page. However, my concern is to increase the understanding and application of cord blood.

After I first raised the issue, several hon. Members spoke to me of their previous ignorance of umbilical cord blood. It is an ignorance that I shared, despite being a parent of six children and living close to one of the NHS hospitals that collects umbilical cord blood.

Like the majority of parents in Britain, my wife and I thought that the umbilical cord once clamped was simply a waste product. We were totally unaware of the potential benefits of donating our children's umbilical cord blood. My understanding has grown over the years, aided by some excellent individuals in the charitable, private and public sectors who are passionate about cord blood. I pay tribute and thank the Anthony Nolan Trust and UK cord blood working group for their work and assistance and for rubbing off some of their passion on me. What inspires me to keep flying the flag for umbilical cord blood is meeting those children who are alive because of cord blood. This is a subject that can be literally a matter of life and death.

Patients in the UK requiring a bone marrow donor currently have a one in four chance of survival. Only 50 per cent. of those looking for a donor will find one, and of those only 50 per cent. will survive. For those who find a bone marrow donor, many get their donor too late in their disease for the treatment to achieve success and that contributes to the 50 per cent. failure rate. Greater provision of cord blood could help those patients to get treatment faster and improve their chances of survival. For those who currently have no bone marrow donor, a larger provision of cord blood would give many of them a potentially life-saving option.

Despite an increase in the awareness of those reading or listening to this debate, I feel that a short explanation of umbilical cord blood is in order. The baby's blood which is left behind in the umbilical cord contains many different types of cells. Some of these cells are stem cells, which have been shown to have a number of medical applications. Over the past 20 years, collected cord blood has been used for transplantation in the same way as bone marrow. It has been used to treat patients suffering from diseases such as leukaemia, sickle-cell diseases, immune deficiencies and others. Currently, there are over 85 treatments based on cord blood and there are more clinical trials in the pipeline.

Researchers believe that cord blood has the potential to treat many more diseases, once adult stem cells are properly understood. There have been trials that show that cord blood may be helpful in treating brain injuries in children. It is also being developed for other possible treatments such as diabetes, liver therapy, multiple sclerosis, testicular cancer and to regenerate damaged heart cells. The medical and financial value of cord blood should not be underestimated. Early indications from research conducted in the UK suggests that many of the patients currently receiving enzyme treatments at a cost of well over £100,000 per annum to the taxpayer, could find a cure through a cord blood transplant.

Cord blood is particularly valuable in the treatment of leukaemia. It can be used as an alternative to bone marrow transplants. Collection of umbilical cord blood is a far less invasive procedure than extracting bone marrow. Units can be collected, frozen and then stored for years. That leads to fewer complications and makes transplants more readily available than bone marrow. Most importantly, it is easier to find matching stem cells from cord blood than from bone marrow. A properly developed infrastructure for the collection and storage of cord blood will do much to alleviate the severe shortage of life-saving stem cells needed for transplantation and to facilitate research.

Cord blood is a natural, safe, ethical and sustainable resource. It offers many advantages over using traditional bone marrow transplants from adult donors and would offer researchers an alternative to using embryonic stem cells.

The previous time cord blood was debated in the House was during the passage of the HFE Act in the context of allowing so-called saviour siblings. I took part in the debate, and an irony was revealed in it: the contrast between the Government stretching ethical boundaries to accommodate so-called saviour siblings, but restricting the natural, safe, ethical and sustainable life-saving resource of cord blood, with 99.5 per cent. of umbilical cords thrown away.

However, it is important to be charitable, and over the years there has been success and progress in the field of cord blood. The NHS was one of the first bodies to recognise the potential importance of cord blood, and some of the most important breakthroughs were made here in Britain. The NHS cord blood bank was established in 1996, and at the time it was one of only a handful in the world. Last year, the fifth umbilical cord blood collection facility, at St George's hospital in Tooting, was opened. The NHS CBB has moved into a state-of-the-art facility in Filton, which provides greater capacity and the flexibility to meet future clinical standards. I have visited one of the collection hospitals at Barnet, near my constituency, and I was impressed by the professional service, with all donations collected ex utero in a separate room so that the focus remains upon the care of the mother and baby.

As of October 2009, the NHS CBB had banked approximately 14,000 donations and provided 279 units of cord blood to British patients, with 34 per cent. coming from black and minority ethnic communities. Given that there is only a 30 to 40 per cent. chance of a BME patient finding a matched unrelated donor, it is right that there is a focus on increasing cord collection within these communities.

However, this progress has not gone far enough. The vast majority of parents in this country do not have access to NHS umbilical cord blood collection centres, which are in London, Luton and Watford. Expecting parents are not being informed about the many benefits of donating their baby's cord blood. Even parents who have a history of blood-related disorders are not properly informed and have limited options to have their cord blood collected. Last year, an Enfield resident whose family had suffered from a rare anaemic disease contacted me in a desperate state. Her daughter was due to give birth any day and she had only just discovered by chance the value of collecting the cord blood. Fortunately, they lived near Barnet hospital, which collects cord blood, but only then at certain times; they were told that unless the birth happened between 9 and 5, Monday to Thursday, the collection would not take place. Therefore, even if someone is fortunate enough to live near one of the five NHS collection hospitals, and even if they are fortunate enough to be fully informed about the potential life-saving value of cord blood to their child if they are at risk of developing a family blood-related disorder, the cord blood may still be thrown in the bin.

At a time when the health service is so mindful of the need fully to inform patients about their health care, the issue of the collection of a mother-baby's cord blood does not seem to get the same level of attention. The principles of full information and consent do not seem to apply to cord blood, which is generally treated as a waste product, unbeknown to the parent apart from in exceptional circumstances.

These circumstances of collection are more often dictated by the NHS collection targets than the wishes of the parents. It is hardly surprising that private companies come in to fill the void. Competition and tight regulation by the Human Tissue Authority have ensured that good practice predominates, but at a financial cost to parents. Private banking has its place, but what is lacking is access to sufficient cords available for public benefit from whatever source.

In previous debates, I have said that the NHS bank of 14,000 blood cord units is too low. Last year, academic research confirmed that for a truly effective transplantation infrastructure to operate in a country of the UK's size and population, we will need to bank about 50,000 units of cord blood, and some people think the bar should be raised even higher. Either way, there is an urgent need for a sound projection of what is required, which should form the foundation of a comprehensive strategy for cord blood in the UK.

At present, many patients—particularly those from ethnic minorities—who need transplants are unable to find matches. That has resulted in the NHS importing cords from the continent. The Anthony Nolan Trust has responded by collecting cords at King's College hospital, and has plans to extend this to 10 collection centres in maternity units around the country. At the request of the Government, a funding bid was submitted last June. The cord blood working group is also putting together the clinical and economic case for expansion. Will the Minister give a view on the progress of these plans?

The UK is falling behind our European neighbours and other developed countries. Our NHS cord blood bank is smaller than those of countries of a similar size, such as France. Greater attention and resources are paid to this issue in other countries such as Spain, Italy, Germany and the United States. At present, cord blood can be used only to treat a fairly narrow set of illnesses, but scientists believe that with more research and investment it could be used to treat a much wider range of illnesses. Research in this important area has been hindered by lack of public awareness and by embryonic research crowding out other forms of research into stem cells. As a result, leading figures in this field such as Professor McGuckin and Dr. Forraz have left the UK to pursue their research in other countries that are more open to the possibilities offered by cord blood research.

A key difficulty with cord blood transplants is the problem of engraftment where the body rejects the transplants, particularly in adolescents and adults. Until recently, UK transplanters have tended to opt for other established treatments because the reported results of cord blood usage have not been as promising. Indeed, I received news today of a health commissioner asking for a business case to be made for a prospective cord blood transplant—perhaps the Minister would comment on this worrying case.

However, recent overseas advances in the use of cord blood and the launch last month of the first UK clinical trials of cord blood have greatly encouraged clinicians. At the instigation and under the management of Dr. Rachael Hough of University college London hospital, two clinical trials are running across the UK. The aim is to establish the safety and efficacy of using unrelated cord blood to bridge the engraftment problem, and to establish conditioning protocols. For example, it may be that by increasing the amount of cord blood stem cells—given the unique mobility involved—unrelated cord blood can provide safer and more effective life-saving treatments.

The scientific development and application of cord blood in other countries has reached a point where it would be neglectful for the UK not to embrace to the full this exciting option. It is becoming clear that having a large range of cord blood donations available for patients to find compatible transplants would save both lives and money. It is not just the Government who need to keep up with progress in the field of umbilical cord blood; the Royal College of Obstetricians and Gynaecologists' last word on this was a 2006 report in reaction to perceived problems with some private operators, but the umbilical cord blood world in the public, charitable and private sector has made significant advances since then.

To its credit, the Department of Health agreed to undertake a review of the collection and use of umbilical cord blood, and seminars and discussions have taken place. However, the progress of the review has been very slow. In October 2008, I asked the Secretary of State when the conclusions of these studies would be published. I was assured by the relevant Minister that the report would be made available later that year. When that did not occur, I asked the same question again—this time in March 2009—and the relevant Minister replied that these conclusions would be published in due course. It is now January 2010—happy new year—and the Department of Health has still to publish its findings.

It is not sufficient for the Minister simply to rely on the report published by the consultant Technopolis. Indeed that report made the point when it concluded:

> "No explicit national policy has been formulated on cord blood banking in the UK, either as part of health or science policy or as part of blood bank policy."

It went on to say:

> "We recommend that the UK…consider… Creating a high-level advisory committee to provide the Minister and policy teams with advice on the detail of such a policy."

[Mr. David Burrowes]

What is the Government's response to this recommendation and progress on it? I hope that we will hear something of the Government's conclusions from their review but will the Minister at least accept the long-standing invitation to speak to the all-party group on umbilical cord blood and adult stem cells, which I have the privilege of chairing?

May I also ask the Government to provide regular updates on how many units of cord blood have been collected, stored and transplanted in the UK? The Government must make their views clearly known. Do they recognise the need to collect 50,000 units of cord blood? Does the Minister have a view on plans to increase numbers of blood cord transplants? I hope the Government will demonstrate a clear commitment to funding cord blood research and to the many lives that it could save.

In September 2008, the then Health Secretary opened the Anthony Nolan Trust's excellent storage facility for cord blood with a stem cell research centre in Nottingham. He called it a "crucial development" and went on to say that there was a

"wonderful opportunity to take advantage of"

in terms of cord blood. There is an opportunity for more lives to be saved, for valuable scientific research to be undertaken and for the UK to become a centre for excellence in cord blood. Two people die every day waiting for a stem cell transplant and 65,000 litres of cord blood are discarded every year. Will the Minister assure the House today that the Government are taking advantage of the wonderful opportunity offered by cord blood rather than, as seems to be the case, literally throwing it away?

6.16 pm

The Minister of State, Department of Health (Gillian Merron): I congratulate the hon. Member for Enfield, Southgate (Mr. Burrowes) on securing this debate. I well know of his interest in this matter as chair of the all-party group and I look forward to taking up the invitation that he has generously extended to me. I understand his passion about and interest in the subject and I have come to share them as I have become more familiar with it.

This is a very interesting and extremely exciting time for the people who stand to benefit from the possibilities held out by improving science and clinical practice. New approaches to stem cell transplantation hold out fresh hope for patients with leukaemia and other blood disorders and, of course, cord blood is becoming an increasingly important source of stem cells, particularly for those with rare tissue types not served by the bone marrow register.

Our knowledge of the potential of cord blood is growing year on year as a result of the Government's investment in research and our commitment to supporting those who seek to find new answers for those who seek transplants and, because of this, the use of cord blood is increasing in terms of numbers and is broadening in scope. For example, it is likely that more adults than children will receive cord blood treatments this year for the first time, just one sign of how these treatments are evolving in use. I agree absolutely with the hon. Gentleman: cord blood can play an important role in treating blood disorders and cancers in the future and we want to be in a strong position to take advantage of these breakthroughs.

I know that the efficient and co-ordinated collection and storage of cord blood are crucial to that ambition and change. Our NHS cord blood bank is a world leader, holding the second largest inventory of unique tissue types in the world, and it is the world's fourth largest bank. As we have heard today, the bank will shortly be entirely based at the new £60 million blood processing facility in Filton, Bristol, which will be the largest facility of its kind in the world. Our current focus is on collecting from groups that are under-represented on the bone marrow register, because this is where we believe cord blood can make the most immediate and biggest contribution by extending new hope and providing life-saving treatment to those who have difficulty finding an appropriate tissue match.

In England, we now have five NHS hospitals that can collect cord blood, all chosen because they serve families from a diverse multicultural mix, as was correctly pointed out by the hon. Gentleman. In October, I had the pleasure of opening the newest site at St. George's hospital in Tooting. While I was there, I was lucky enough to witness the collection of a cord blood unit. My officials told me that I could not have chosen a better time, as a woman had conveniently just given birth, and she donated cord blood while I was there. I was struck by how such a simple procedure could provide such a valuable resource, and it left me absolutely determined to promote cord blood collection and use.

We have taken massive strides forward in recent years, but I am conscious that there is more to do. That is why we have agreed to provide a further £10 million to increase the size of the cord blood bank to 20,000 stored units by 2013. That reflects our commitment to support cord blood treatments into the future.

Mr. Burrowes: Will the Minister give way?

Gillian Merron: In a moment. I have listened carefully to the hon. Gentleman's arguments about the need for a larger bank. I understand his points, and I will keep an open mind on whether further expansion may be necessary. Before I take his intervention, though, I want to add that the issue goes even deeper, because we cannot settle on an optimal size for the bank until we have a clear view of how cord blood fits within the whole landscape of stem cell transplantation.

Mr. Burrowes: Those comments help with my question. Is it not the case that we need a comprehensive strategy to deal with all aspects of collection, storage, use and transplantation? We need to consider those issues and come to a settled view on what should be the optimal level, which might well be more than 20,000 units. I should like to know whether the door is open to consider the established academic figure of 50,000 or more.

Gillian Merron: Perhaps if the hon. Gentleman allows me to continue a little, he will be pleased with some of my comments about how we should move forward. I hope that the all-party group will be part of that moving forward.

The hon. Gentleman argued that we should move towards the routine collection of cord blood. Again, I understand the point about widening the range of collection, but there is not a strong call for that approach from the research or medical communities.

Mr. Burrowes: Let me clear up this point. I have called not for routine collection but for the routine provision of information. It should be a matter of routine that all expectant parents are advised about cord blood, its value and benefits, and where it can be collected.

Gillian Merron: I thank the hon. Gentleman for that clarification, and I understand his point, but we need to give routine information that is linked to a whole approach to dealing with cord blood collection. Our priority has to be a focus on quality rather than quantity. That means finding good matches to treat those with rare tissue types.

If we want to go further in utilising the benefits of cord blood, we need to understand how it best complements other sources of stem cell transplants, most notably bone marrow. We have to decide what the future of stem cell transplantation should look like, and what resources we will need to support it. Only when we have that can we make an informed decision on the size and scope of the NHS cord blood bank. I know that the hon. Gentleman is concerned about that.

The hon. Gentleman mentioned the Technopolis report on cord blood that the Department of Health commissioned in 2008. That report was an important starting point, and I am happy to support many of its recommendations. Since its publication, departmental officials have been in lengthy discussions with NHS Blood and Transplant, the Anthony Nolan Trust and other players to take forward many aspects of the review. We are now working closely with the recently established umbilical cord blood transplant working group, and I believe that that will give us real insight into what is really holding back cord blood collection and use. It will delve into the practicalities of improving clinical awareness and the need for better patient information, which the hon. Gentleman has called for. It will also help us to understand where the latest research may take us in future.

The key recommendation that came out of the Technopolis report was the need for a national strategy on cord blood. As I have said, we cannot approach the issue of cord blood transplantation in isolation. We have to think about how bone marrow and cord blood collection can complement each other and about the challenges facing us, now and in future, in relation to those sources of stem cells. We also need to define the role for all key partners, and start to bring together the various systems and structures that support stem cell transplantation to ensure even closer working. There are, of course, many different interest groups involved and I want to be absolutely sure that their views are fully represented as we take things forward, but we all have the same, singular objective—to help save more lives.

That is what this work is really about. We can discuss bank size, the pros and cons of one system over another or who is best at doing what—and those are all important discussions and decisions that we have to make—but all that really matters is whether we can make the difference between a person living or dying. We have to make choices that will make the biggest difference to those patients so, for me, that is what will drive our work in the future.

I am sure that the hon. Gentleman will be delighted, therefore, when I tell the House that we are establishing an expert strategic forum that will be led by NHS Blood and Transplant, in partnership with the Department of Health and other stakeholders. This group will operate as a high-level taskforce to advise Ministers on the best options going forward, and that will mean getting to the heart of many of the issues that he quite rightly raised today in the House.

I shall also write to my ministerial counterparts in the devolved Administrations to ask if they will be represented, so that we can get strong dialogue and co-operation across borders. My intention is for this group to produce a discussion paper in the spring of this year that will provide the basis for a new strategy on the collection and use of stem cells for transplant.

In conclusion, like the hon. Gentleman I am extremely enthusiastic about the role that cord blood can play in the future. The reason is simple—it saves lives. It holds out the possibility of saving people who would otherwise die because of a lack of matched tissue.

We have to make the right strategic decisions for the future, based on real expert insight into how stem cell technology is evolving and on what will deliver the very best results for patients. I am confident that the new forum, drawing on the work of the cord blood working group, will help to guide us to the right answers.

Mr. Burrowes: Do we not need some form of mechanism, as well as the regular reports, for making information available—for instance, about the number of units of cord blood that have been collected or are in storage or used in transplants? That information is important, because it will allow us to see the progress being made and to make adequate responses.

Gillian Merron: I shall be very happy to make that information available, as it will of course assist us as we move forward.

We have a strong heritage in this area or work, having pioneered bone marrow transplants in the 1970s and 1980s. As science opens up new possibilities, I am determined that we maintain that tradition, because we are well placed to take advantage of the great promise that cord blood—indeed, that all forms of stem cell transplantation—can offer patients.

Mr. Burrowes: I thank the Minister for giving way one last time, but I want to use all the time available for this important subject. She will be aware of the proposals put forward last June—with Government encouragement, I understand—from the Anthony Nolan Trust, and she has already referred to the work of the core blood working group to develop an economic case. How do those proposals fit into the timeline of the April date that she gave?

Gillian Merron: By way of clarification to the House, I should say that I referred to the spring because I want to make sure that the work is done properly, but my intention is that the work will be done sooner rather than later in the year ahead. The hon. Gentleman's comments can of course be read into the review, and I shall be very happy to discuss this matter in even greater detail at the all-party group, whose meeting I look forward to attending.

I thank the hon. Gentleman for raising what I believe is a very important matter, and for his commitment to taking it forward.

Question put and agreed to.

6.29 pm

House adjourned.

House of Commons

Monday 11 January 2010

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

National Security

1. **Chris Ruane** (Vale of Clwyd) (Lab): Whether his Department's forthcoming Green Paper will include an assessment of the contribution to national security of the UK's EU and transatlantic relationships. [309564]

The Secretary of State for Defence (Mr. Bob Ainsworth): Effective international partnerships are crucial to our security as a nation and we will benefit from strengthening multilateral and bilateral co-operation. We expect to build further on both our European Union and transatlantic relationships. Those who think that it is a choice misunderstand where our interests lie. The EU, NATO and our bilateral relationships are complementary one to another. The Green Paper will address that issue.

Chris Ruane: The world faces threats from global terrorism, global warming and global poverty. Those international issues require international solutions. Does my right hon. Friend agree that the UK's defence is best served by strong alliances with mainstream parties in Europe, not with those on the lunatic fringe?

Mr. Ainsworth: Totally. Those who believe that the EU has no effective role to play in our security, of whom there appear to be some in the House, really miss the point. As I said, the EU is complementary to our other alliances and relationships and can play a very significant part in our security. We should welcome that and build those relationships.

Mr. Nicholas Soames (Mid-Sussex) (Con): Although I agree with the burden of what the Secretary of State says, it is nevertheless true that because of the European Union's poverty of ambition and its disorganisation, it needs to be directed towards the military operations for which it is equipped and in which it is able to take part. Does he agree that stabilisation operations are ideal for the EU, but that we need to look to NATO for the serious war-fighting operations?

Mr. Ainsworth: I agree with much of what the hon. Gentleman says, but not exclusively. The EU can play a role. We should not build concrete alternative structures, but what the EU can do and is doing should be complementary to NATO. After all, most of its members are also members of NATO. I was at fleet command in Northwood only a few days ago, where the EU is working well with NATO on anti-piracy and making a real contribution.

Nick Harvey (North Devon) (LD): Although the transatlantic relationship will obviously remain our most important alliance, does the Secretary of State agree that in the 21st century the Americans will increasingly look towards the Pacific and less towards the Atlantic? Will the Green Paper offer an opportunity to reappraise the military relationship with some of our key European partners and move it on to a scale that we have not seen in the past?

Mr. Ainsworth: Our bilateral relationship with the United States is, as the hon. Gentleman said, the most important security and defence relationship that we have and will stay that way for the foreseeable future. However, no serious people in the US expect us to do anything other than build good working relationships with our European neighbours and the European Union. They see that as a positive thing, so there is no competition in that regard, as some people appear to think there is or should be.

Dr. Julian Lewis (New Forest, East) (Con): Given the state of the defence budget, the fact that we are fighting a war and the possible danger of duplication by investing sums of money in European alternatives to NATO defence structures, what possible justification can there be for spending any significant sums at all on the duplicatory European defence capability?

Mr. Ainsworth: The hon. Gentleman would have to explain exactly where we have done that and where there has not been effect from European Union involvement in the operations that it has undertaken. As I said, I recently visited fleet command, where we have run Operation Atalanta without any structures and without building any unnecessary bureaucracy. We have got that operation up and running in pretty short order, under a European flag and co-operating with NATO. Why is his party so totally opposed to such effective operations?

Force Levels (Afghanistan)

2. **Rosie Cooper** (West Lancashire) (Lab): What recent discussions he has had on the contributions of NATO and other allies to force levels in Afghanistan. [309565]

8. **Andrew Gwynne** (Denton and Reddish) (Lab): What recent discussions he has had with his NATO counterparts on their contributions to coalition forces in Afghanistan. [309572]

The Secretary of State for Defence (Mr. Bob Ainsworth): We continue to press our international security assistance force allies to share more of the burden in Afghanistan. We will encourage a focus on what they can realistically deliver, including military and non-military assets and other contributions.

Rosie Cooper: Will the Secretary of State indicate in a little more detail how the London conference could be used to ensure greater military and political burden sharing across the alliance?

Mr. Ainsworth: There has already been a significant response to General McChrystal's requests for additional forces for Afghanistan, and we are getting pretty close to the number that he asked for. Of course, we will try to address burden sharing even more to ascertain how people can co-operate and help one another and the contribution that they are capable of making. As I have said in the House previously, not all our partners can make the contributions that others can, but there are things that they can and should do to help. There will be other issues to address at the NATO conference, such as trying to get a framework for transition and maintaining momentum and progress in Afghanistan, but burden sharing will be an important part of the discussions.

Andrew Gwynne: For those NATO countries that either do not contribute troops or do so with restrictive caveats, what other forms of assistance are being requested, such as police training, money and development professionals? What are those countries pledging?

Bob Russell (Colchester) (LD): Not a lot.

Mr. Ainsworth: I heard "Not a lot" from a sedentary position. We are approaching the figure of 40,000 additional troops that General McChrystal requested. The Americans have overwhelmingly provided them and we have made a substantial contribution, but so have other partners—it is wrong to deny that. The countries to which my hon. Friend refers are providing all the things that he mentioned, such as money—sometimes nations have the ability to make a military contribution in Afghanistan but cannot finance it, so bringing different partners together to try to help finance things that others are prepared to do is another aspect of burden sharing that we are encouraging and getting into in detail with some of our allies.

Mr. Hugo Swire (East Devon) (Con): Does the Secretary of State agree that it has taken considerable courage for an Arab country such as the United Arab Emirates to play the role that it plays in Afghanistan? What moves is he making to encourage other Muslim countries to take part in Afghanistan?

Mr. Ainsworth: We welcome all contributions and I agree that it is a brave but appropriate decision to support our operations in Afghanistan. If we can get Muslim countries involved in the Afghan operations, that will be a real boon, so we will do anything and everything we can to widen the coalition as well as seeking appropriate support from those who are already part of it.

Mr. David Crausby (Bolton, North-East) (Lab): Is it not becoming increasingly obvious that some NATO alliance members, particularly in mainland Europe, will not risk the lives of their soldiers for anything but their national defence? At what point should we as a nation start to reassess the principles of article 5?

Mr. Ainsworth: There are some of our allies who take a different view of what they can contribute and what they ought properly to contribute to those operations. We have tried to give them as many opportunities as possible to make a contribution. Many have seized it, and although it is not often in the form of force capability that can do the job in Helmand province, those matters are and will continue to be discussed in NATO.

Dr. Liam Fox (Woodspring) (Con): Our armed forces value political consensus on Afghanistan when possible, so let me begin the new year on that basis. Counter-insurgency is about protecting the population. It requires a better force-to-population ratio than we currently have in Helmand province—that is why the expected uplift of American and Afghan troops is welcome. Britain is currently responsible for two thirds of the population in Helmand, with only one third of coalition troop strength. Does the Secretary of State agree that that has to change? Would it not be sensible to have a better equalisation of troop densities as the number of US troops in Helmand increases?

Mr. Ainsworth: I thank the hon. Gentleman for his question and I welcome and agree with his comments. As Major-General Nick Carter, who commands the whole of Regional Command South in Afghanistan, has said, he has already had an additional 20,000 troops. He will receive another 21,000 troops and it would be strange indeed if he were not considering how to balance the force in areas in the south. That is primarily a military decision. No decisions have been made yet, but it is appropriate that he looks at the matter.

Dr. Fox: Further to that, does the Secretary of State agree that there needs to be a rebalance between UK and US areas of responsibility, even if that might mean concentrating Task Force Helmand's assets into a smaller geographical area in central Helmand? Does he agree that that should be interpreted not in any way as a downgrading of the UK effort, but as representing a better match between resources and commitments? It is essential that the UK play a full role in Afghanistan, including a full military role, but one that is proportionate to our force strength and configuration.

Mr. Ainsworth: I agree with the hon. Gentleman. We have 9,500 troops in Afghanistan, the overwhelming majority of whom are in Helmand province, and it is right, as he says, that we currently have a responsibility for the majority of the population in Helmand province. With the kind of inflows of troops that General McChrystal will have, and that Major-General Carter will have in the south, the latter is going to have to look at force densities to try to make sure that he is properly using those troops where they are needed. If that means that there is a concentration of British effort in part of our current area of operations and some handing-on to American forces, we should look at that. Major-General Carter is looking at that, and I would encourage him to do so. I know that he has talked to the hon. Gentleman about that, and he has certainly talked to me about it as well.

Military Objectives (Helmand)

3. **Mr. Bernard Jenkin** (North Essex) (Con): What recent discussions he has had with his NATO counterparts on military objectives in Helmand province; and if he will make a statement. [309566]

The Secretary of State for Defence (Mr. Bob Ainsworth): I regularly discuss the mission in Afghanistan with my NATO counterparts. Afghanistan is an international security assistance force mission and all the objectives in Helmand province are directly related to the objectives laid out in the NATO comprehensive political-military plan.

Mr. Jenkin: Is it not the case that our superb military forces have regularly achieved their military objectives, but that that has regularly proved unsustainable because of the political vacuum at the top? Is not the most important task of the London conference to frame a political settlement with which our military objectives will need to be aligned? Otherwise, we are wasting our effort in Afghanistan.

Mr. Ainsworth: A good political arrangement, an effective Afghan Government and good governance in the local provinces are absolutely vital to progress in Helmand, and everyone in the military understands that they alone cannot make progress in this area and that they need the political structures and development to come in behind. It is true that the London conference must address those issues, as it must address reintegration where that is possible, because the insurgency has many different aspects to it. We must also address transition to effective Afghan control and have some mechanism in order to deliver that.

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): Will the Secretary of State explain to the House how it helps any conceivable military objectives to be propping up a discredited Karzai regime which, at the very highest level, is deeply involved in the drugs trade?

Mr. Ainsworth: I do not think that anybody has tried to suggest that the Afghan Government are perfect or that the elections that we had recently were perfect, but my hon. Friend almost suggests that some alternative to the current Afghan Government is there and available to us. There are people in the House—a minority—who sometimes suggest that there is support for the Taliban among the Afghan people, but there is not. We must work with and improve the Government structures in Afghanistan. That is how to deliver a better Afghanistan, and thereby more security for us back here in the United Kingdom.

Body Armour (Afghanistan)

4. **Andrew Stunell** (Hazel Grove) (LD): What his most recent assessment is of the adequacy of provision of body armour to UK front-line forces serving in Afghanistan; and if he will make a statement. [309567]

The Parliamentary Under-Secretary of State for Defence (Mr. Quentin Davies): The Osprey armour, which we began to issue to our troops in 2006, is second to none in the world. We are now in the process of issuing a new version that is more comfortable but equally protected—Osprey Assault—together with the mark 7 helmet, to all those who are liable to deploy outside the wire in Afghanistan. That is another example of the concept of a continuous pipeline of improvement in the equipment provided to our forces in Afghanistan in operation.

Andrew Stunell (Hazel Grove) (LD): When my constituent Marine Corporal Danny Winter died in action, he was the first casualty from Stockport for 30 years. That has much increased local concern about whether we have the right equipment in the right place and at the right time. Will the Minister say clearly to the House when he believes that we shall have good force protection equipment in place and avoid the casualties and the terrible injuries that are now occurring?

Mr. Davies: We are all bitterly sorry about the death of the hon. Gentleman's constituent, and about that of every other man and woman who has fallen for the country in the difficult conflict in Afghanistan. However, my answer to him and to the House is clear: we provide, and will continue to provide, the very best equipment that we can—the very best armour, the very best weapons, the very best communications equipment, the very best vehicles, the very best helicopters and the very best of everything else. We regard that as a sacred task.

Mr. David S. Borrow (South Ribble) (Lab): Does my hon. Friend agree that although we can design body armour that gives more protection, there is a risk that it will be heavier and more difficult to move about in? There is a tension between the amount of protection that can be given and the mobility of our soldiers in the field. If we are not careful, there is a danger that some soldiers will not wear all their body armour in order to get more mobility.

Mr. Davies: My hon. Friend, who is an expert in this field and a distinguished member of the Select Committee on Defence, has got it absolutely right. There are always trade-offs in such matters. Quite simply, no human being could carry the weight that would be required to provide ballistic protection all over the body. That is a physical impossibility, and we will just have to face it. There are already trade-offs made, in circumstances where troops are carrying electronic counter-measures and communications equipment. They might be carrying 60 kg or even 70 kg each, often in appalling weather conditions, with temperatures in the 40s, and so on. There are genuine limits, and we are looking all the time at how we can provide the essential equipment as lightly as possible, consistent with the best possible outcomes.

Dr. Andrew Murrison (Westbury) (Con): I am grateful to the veterans Minister, the Under-Secretary of State for Defence, the hon. Member for North Durham (Mr. Jones), for our meeting before Christmas to discuss body armour. I know that he appreciates—presumably his colleague does as well—the capabilities and limitations of body armour. The United States increasingly relies on aerial reconnaissance to detect improvised explosive devices, which, despite personal protective kit, kill more soldiers than anything else in Afghanistan. Is the different approach to force protection down to the Minister's failure to get the US to share technology or the withholding of funds for equipment, which was discussed over the weekend in connection with the then Defence Secretary, Chancellor and Prime Minister?

Mr. Davies: The suggestion of a lack of co-operation with our American allies, like the suggestion of the withholding of funds, is utter rubbish, complete nonsense, totally libellous and without the slightest foundation in fact. I hope that the hon. Gentleman takes those words on board. In fact, we have very close co-operation with the United States on counter-IED measures and force protection. Indeed, we use the same methods, based on various air vehicles, which have been very successful and which I have seen for myself in real time in theatre.

Conflict Resolution (Afghanistan)

5. **Harry Cohen** (Leyton and Wanstead) (Lab): What recent discussions he has had with Pashtun representatives on conflict resolution in Afghanistan. [309569]

The Secretary of State for Defence (Mr. Bob Ainsworth): As the Secretary of State for Defence, I regularly visit Afghanistan. During those visits, I take every opportunity to engage with the members of the Afghan Government, in their role as the elected representatives of the Afghan people, and to discuss issues that are important to us all, conflict resolution being one of them.

Harry Cohen: The allies did virtually everything wrong in Iraq, but at least they ended up siding with the majority of the population, the Shi'as. In Afghanistan, we have alienated the majority of the population, the Pashtuns, who have a long history of fighting whoever they perceive as occupiers. Does it not make military sense to enter into serious negotiations with Pashtun leaders and to bring them to power?

Mr. Ainsworth: Reintegration is an important part of any counter-insurgency operation. We are more than happy to get involved in the reintegration of all parts of the insurgency that are prepared to revert to peaceful means. We need to provide methods to allow them to do that, but the process surely needs to be led by the Afghan Government, not by us as the international support force in Afghanistan. Of course we want to see the reintegration of those parts of the Pashtun population who feel alienated but who are not irreconcilable. Indeed, the title of Taliban applies to irreconcilable international jihadists on the one hand and to poor disgruntled farmers on the other, so there is a good opportunity for that to happen.

Robert Key (Salisbury) (Con): Given the very small number of Pashtun speakers in Her Majesty's armed forces serving on the front line in Afghanistan, and the small number of Pashtun speakers in the Foreign Office and the Department for International Development, will the Secretary of State please explain how the British Government communicate with local communities in Afghanistan? Do they use local interpreters or is there a growing body of civil servants being trained to speak Pashtun?

Mr. Ainsworth: We use local interpreters, but we also seek to use the local government arrangements in Afghanistan. The hon. Gentleman will have heard me describe the excellent relationship that we have with Governor Mangal in Helmand province, where most of our forces are. He is right, however, to suggest that we need to look seriously at how many Pashtun speakers we have, and to seek to develop that capability.

Mr. David Winnick (Walsall, North) (Lab): Since there must be very few people who really believe that an outright military victory in Afghanistan is possible, is it not absolutely essential to put much more emphasis on a political solution, which must involve a good number of those who are, sadly, fighting the coalition forces? Simply to work on the assumption that military victory will be achieved in another four or five years is not to live in the real world.

Mr. Ainsworth: Equally, that is a caricature of what people actually believe. Nobody believes that a purely military outcome is going to deliver victory in Afghanistan.

Mr. Winnick: Ah!

Mr. Ainsworth: I do not know why my hon. Friend is so surprised at that. I have said that reintegration is a necessary part of the process. We want to see the Afghan Government holding a hand out to all those who are reconcilable and whom they can bring back into the fold—of course we do.

Sir Peter Tapsell (Louth and Horncastle) (Con): Does the Secretary of State agree that the Afghan Taliban have no ambitions beyond Afghanistan and the Pashtun tribal areas of Pakistan, while, by contrast, Osama bin Laden is the protagonist of an international caliphate? Instead of lumping them together, would it not therefore be wiser to try to separate them by offering the Taliban an early withdrawal of foreign troops in exchange for their permanently excluding al-Qaeda, with which the Taliban have always had an uneasy alliance?

Mr. Ainsworth: As I have said, elements of the Afghan Taliban are precisely as the hon. Gentleman describes. But let us not forget that they are still led by Mullah Omar, who ran Afghanistan. In that capacity, he welcomed al-Qaeda into his country and was an arch ally of Osama bin Laden. Surely the hon. Gentleman accepts that, if we were to pull our troops out of Afghanistan in a precipitate way, the likelihood that Mullah Omar would again control large parts of Afghanistan, if not the entire country, would be pretty high—as is the likelihood that he would do again as he did in the past, bringing a threat back to us in the United Kingdom.

Chinook Crash (Mull of Kintyre)

6. **Mr. Henry Bellingham** (North-West Norfolk) (Con): If he will meet representatives of the families of personnel killed in the Mull of Kintyre Chinook helicopter crash to discuss identified computer software failings. [309570]

The Minister of State, Ministry of Defence (Bill Rammell): First, may I offer my sincere condolences to the families of those who lost their lives in the Mull of Kintyre Chinook helicopter crash? I will meet representatives of the families of those who were tragically killed in 1994, to explain why there is no new evidence to lead the Ministry of Defence to revisit the board of inquiry's findings.

Mr. Bellingham: As the Minister knows, I represent the family of one of the deceased pilots, Flight Lieutenant Jonathan Tapper. Obviously, the family are still very distressed indeed about the finding of gross professional negligence against their brave son. Will the Minister confirm that, since the crash, there has been a change in the rules governing the attribution of blame, so that deceased pilots cannot now be found guilty of gross negligence? Surely it is only fair and just that the two Chinook pilots who were killed—Flight Lieutenants Cook and Tapper—should benefit from that change of rule.

Bill Rammell: I reiterate that I am willing to meet representatives of the family. The change in the rules governing inquiries was brought about by this Government in July 1997, but it was made abundantly clear at that stage that that would not be retrospective and that it would not affect previous rulings.

Mr. James Arbuthnot (North-East Hampshire) (Con): As both pilots were found grossly negligent, how does the Minister know with absolutely no doubt whatever that both pilots agreed with the route and the course of action being taken?

Bill Rammell: Let me make it clear to the right hon. Gentleman, who I know has taken a detailed interest in this matter, that in all the publicity surrounding this case—and certainly that produced by the BBC in recent weeks—there has never been any evidence of technical failure. The clear reality of the situation, demonstrated by a clear and diligent analysis, was that the pilots flew their aircraft at low level and high speed towards rising ground and in poor weather, which was contrary to the flight safety instructions. It is for that reason that the board of inquiry reached the conclusion it did.

Mr. Gerald Howarth (Aldershot) (Con): Surely the fact that the board of inquiry itself did not entirely rule out the possibility of some kind of technical failure, together with public unease at the verdict of gross negligence on pilots and the number of calls for a review from all sides of the House, militates in favour of having such a review. If this Government will not hold such a review, let me tell the Minister that an incoming Conservative Government will.

Bill Rammell: I remind the hon. Gentleman that it was the previous Conservative Government who accepted the board of inquiry's findings in the first instance. This is a very sensitive issue and I fully understand the concerns of all the families that have lost their loved ones, but I do not think that we should play politics with this issue. The substance of the case is that absolutely no evidence of a technical failure has been produced that would lead to a different conclusion from that of the board of inquiry.

Heavy Lift Capability

7. **Mr. Lindsay Hoyle** (Chorley) (Lab): What progress has been made on developing a heavy lift capability; and if he will make a statement. [309571]

The Parliamentary Under-Secretary of State for Defence (Mr. Quentin Davies): Since the last strategic defence review, which identified the requirement for strategic lift, we have made a lot of progress on this front. Six C-17s are currently in service together with the 24 C-130Js and 14 C-130Ks. We signed a contract for a further seventh C-17 in December 2009. As the House knows, we are also on contract for the delivery of 25 A400Ms. That project has run into well documented difficulties, and we are in the process of re-examination with partner nations and the firm of possible ways forward.

Mr. Hoyle: Of course there is a great demand for the A400M across the world. It is a much-needed aircraft, but we also need deep maintenance of that heavy lift capability, which ought to take place at either Warton or Woodford. Will the Minister look to ensure that the tanker programme and all the heavy lift can have deep maintenance that is done in the north-west?

Mr. Davies: If and when we have sorted out the problems of the A400M—and we have official and ministerial meetings on that subject later this week—we will need to focus on the support arrangements, and at that point I will certainly bear in mind what my hon. Friend says.

Willie Rennie (Dunfermline and West Fife) (LD): Considerable concerns exist about the looming capability gap between the end of the C-130Ks and the arrival of the much delayed A400M. Will one additional C-17 really plug that capability gap?

Mr. Davies: The answer to that question is no it will not entirely, but we are taking other measures, including improving infrastructure at Brize Norton, increasing contractor support, which will give us greater availability of the C-130Js, building a new hangar and so forth. I am advised that the measures we are taking will, in combination, maintain the existing air bridge capability.

Dr. Liam Fox (Woodspring) (Con): Helicopters in Afghanistan provide an essential capability due to the unforgiving terrain and the dual threat from IEDs and mines to our troops. However, in 2004, the current Prime Minister as Chancellor cut the helicopter budget by £1.4 billion. Over the weekend, it was suggested in leaked letters that that cut was against the direct advice of the then Secretary of State. Will the Minister confirm that those letters exist, and will he release them to the public to save us the trouble of submitting a freedom of information request in order to get to the bottom of a matter that has hugely impacted on the safety of our forces?

Mr. Davies: First, I was not around in 2004—*[Laughter.]* I was about to say "in my present capacity", and I have certainly not seen any letter of the kind to which the hon. Gentleman has referred.

Secondly, of course helicopters are vital to operations in Afghanistan. I remind the House that we have doubled the number of helicopters there since 2006, and that we are in the process of increasing helicopter numbers substantially. This summer there will be 50 per cent. more helicopters in theatre than there were in the summer of 2009. That is a remarkable achievement. If Opposition Front Benchers were not so utterly churlish and inclined merely to play party politics with important issues such as this, they would acknowledge those dramatic facts.

Armed Forces Accommodation

10. **Mr. Robert Syms** (Poole) (Con): What recent progress he has made in improving the standard of accommodation for the armed forces. [309574]

14. **Natascha Engel** (North-East Derbyshire) (Lab): What recent steps he has taken to improve the standard of accommodation provided for members of the armed forces. [309578]

The Parliamentary Under-Secretary of State for Defence (Mr. Kevan Jones): To make good a legacy of underinvestment, the Department has significantly increased spending on living accommodation in recent years. That has resulted in the delivery of 38,000 new or improved single living bed spaces, and it is planned that a further 19,000 will be provided by 2013. Moreover, 14,000 service family homes have been upgraded. All occupied houses in the United Kingdom will be of the highest standard by 2020. Homes in condition 1 and 2 meet or exceed the Government decent homes standard. No families are expected to live in service family accommodation of the lowest standard except as a result of personal choice.

Mr. Syms: Has not progress been far too slow, and should the Government not redouble their efforts to improve accommodation for our brave soldiers, sailors and marines, particularly in units such as Royal Marines Poole?

Mr. Jones: I will take no lessons from the Conservatives, who sold off armed forces housing and created some of the problems, such as lack of investment, that we are trying to rectify now. Eighty properties at Royal Marines Poole are in the current central heating replacement programme, and 56 more will be included this year. That demonstrates that we are investing in Royal Marines Poole. Of the 178 properties there, 82 are in the highest-standard condition, although the charge is in the lowest-standard category to take account of, for instance, their proximity to noise from helicopters. The daily charge is £2.38.

Natascha Engel: While the upgrades are more than welcome, people such as my constituent Andy Hibberd, a recent ex-serviceman, have direct experience of seriously substandard accommodation. What can my hon. Friend do and say to reassure my constituent that much more is being done to ensure that every single serviceman—and, more to the point, the family of every single serviceman—has a decent home in which to live?

Mr. Jones: Our record speaks for itself, in marked contrast to that of the Conservative Government. We are investing real money in improving both family and single living accommodation. Between 90 and 95 per cent. of family accommodation is in the top two grades, 1 and 2, both of which meet or exceed the Government's criteria for decent homes. We are committed to investment. This year I secured an additional £50 million from the Treasury, which is making a real difference in improving both single and family accommodation.

RAF Regiment

11. **Mr. Shailesh Vara** (North-West Cambridgeshire) (Con): What plans he has for the future strength of the RAF Regiment. [309575]

The Minister of State, Ministry of Defence (Bill Rammell): The RAF Regiment establishment is currently 2,220 personnel, which includes the additional Force Protection Wing Headquarters and RAF Regiment Field Squadron formed in April 2008. In July 2009, we announced our intention to increase that by providing an additional Force Protection Wing Headquarters and RAF Field Squadron. That currently remains our intention, but given the acute cost pressures facing the Department and given that operations in Afghanistan are rightly our main effort, all such measures remain under review.

Mr. Vara: I am grateful for that information, but will the Minister provide a more specific response in the form of an update on the recruitment of personnel for the post created by the establishment of the additional RAF Force Protection Wing Headquarters as well as the RAF Regiment Field Squadron?

Bill Rammell: The RAF Regiment currently has sufficient personnel to man its establishment fully and to meet the expanded requirement due to its new units. The training of personnel for these new units is currently under way.

Nuclear Deterrent

12. **Tony Baldry** (Banbury) (Con): What recent progress has been made on procurement of the next generation of the nuclear deterrent; and if he will make a statement. [309576]

The Parliamentary Under-Secretary of State for Defence (Mr. Quentin Davies): This is an incredibly important decision and we need to get it right. We have come up with one or two possible new technical options for the design of the successor class submarine, and we will need a few more months to evaluate those fully before we take a decision.

Tony Baldry: When will the Minister be able to tell the House whether it is possible to have continuous at-sea patrols with three submarines rather than four? When will the National Security Committee report back to the Prime Minister? Is not the whole timetable for replacing our strategic nuclear deterrent now getting extremely tight?

Mr. Speaker: Order. That is three questions, but one short answer will suffice.

Mr. Davies: The answer is that we are very focused on achieving the 2024 deadline. We take the issue of the successor class submarine extremely seriously. The 2006 White Paper stated that if it is possible to deliver credible and continuous at-sea deterrence with three boats, we will, of course, want to do that. My right hon. Friend the Prime Minister repeated that recently, and he has instructed that a study of that subject should be undertaken. That study will report to him very shortly.

Jeremy Corbyn (Islington, North) (Lab): Does the Minister not agree that we would be much better employed by awaiting the outcome of the nuclear non-proliferation treaty review, and making a real contribution towards global disarmament by cancelling the replacement of Trident and spending the money on something more socially useful and less divisive, and not on another weapon of mass destruction?

Mr. Davies: So long as the world remains as dangerous a place as it is, with some very difficult and dubious people developing, or threatening to develop, their own nuclear capability or weapons of mass destruction, this country will need to continue to have an independent nuclear deterrent. The fact is that we have said—we have committed to this in the NPT—that in the context of general and complete disarmament, we would close down our own nuclear deterrent capability.

Veteran Support

13. **Jane Kennedy** (Liverpool, Wavertree) (Lab): What arrangements his Department has put in place to assist veterans injured in service to access the services of Jobcentre Plus employment advisers when the veteran is in receipt of a veteran's pension provided by the Veterans Agency; and if he will make a statement. [309577]

The Parliamentary Under-Secretary of State for Defence (Mr. Kevan Jones): The veterans welfare service is available through the Service Personnel and Veterans Agency to all veterans and their families. For those leaving the service as a result of serious injury or illness, locally based welfare managers, working closely with service charities, provide practical advice and assistance and will act as gateways for the services provided by other Government Departments, including Jobcentre Plus and the Benefits Agency.

Jane Kennedy: I thank my hon. Friend for that answer. Will he look again at the case of Mr. William Harvey? After 17 years of distinguished service in the British Army, during which he was injured on three occasions, in Bosnia and in Northern Ireland, he has been in receipt of Veterans Agency support as compensation for his injuries, but he is therefore unable to receive jobseeker's allowance. The jobseeker's allowance rules appear to bar him from receiving the support of jobseekers' advisers in gaining new employment. This policy muddle should be addressed.

Mr. Jones: I am grateful to my right hon. Friend for raising that issue, and a similar case was raised when I met veterans the other day. I am working on this, alongside other issues concerning overlapping policies, with colleagues in the Department for Work and Pensions, and we will make an announcement in February.

Patrick Mercer (Newark) (Con): The Minister will no doubt be aware that in the Army, and in particular in the combat units, battalions and regiments are rapidly filling up with lesser-injured men and women who are nevertheless not capable of deploying on operations. What are we going to do with these people? There must be fresh thinking on this, and I wonder what the Minister has in mind.

Mr. Jones: This morning, the Minister of State, Department of Health, my right hon. and learned Friend the Member for North Warwickshire (Mr. O'Brien) and I announced initiatives on giving a lifetime guarantee to the severely injured in respect of the transition into the health service and support for life. In respect of the individuals to whom the hon. Gentleman refers, I am currently engaged in a piece of work and an announcement will be made in February.

Afghan National Army

15. **Sir Nicholas Winterton** (Macclesfield) (Con): What the UK's financial commitment to the Afghan national army is in (a) 2009-10 and (b) 2010-11; and if he will make a statement. [309579]

The Minister of State, Ministry of Defence (Bill Rammell): The UK does not provide direct financial support to the Afghan national army but does deliver assistance in other forms, including the provision of training through the "NATO Training Mission—Afghanistan", in Kabul, and through a number of operational mentoring and liaison teams in Helmand province.

Sir Nicholas Winterton: I am grateful to the Minister for that reply, but does he not agree that unless an army is well paid, it does not get good soldiers? It is clearly crucial that the Government of Afghanistan have a good army, and if we do not help to fund that army, either now or in the immediate future, who is going to be responsible for that if that Government cannot provide the money?

Bill Rammell: I take it that that was another uncosted spending pledge from the Conservatives. I should say directly to the hon. Gentleman that there has been an improvement in pay in the Afghan national army and the issue remains under review, but that is not just a responsibility for this country; it is a responsibility for the whole of the international coalition and the Afghan Government.

Mr. Gordon Prentice (Pendle) (Lab): Amazingly, a significant percentage of the officers in the Afghan national army are illiterate. How much is to be spent on the education of that army in the forthcoming period?

Bill Rammell: My hon. Friend's comment underlines the lack of development in Afghanistan—that is a reality that we face. On education, the key priority that we have set out is to work alongside the Afghan forces to train, mentor and develop them. In addition, this country is committed to providing £500 million in development aid assistance over the coming four years to try to improve these conditions and the lot of the people in Afghanistan.

Topical Questions

T1. [309589] **Joan Ryan** (Enfield, North) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Defence (Mr. Bob Ainsworth): My Department's responsibilities are to ensure that our country is properly defended, now and in the future, and that our service personnel have the right equipment and training to allow them to succeed in military tasks in which they are engaging, either at home or abroad.

Joan Ryan: Given that the British public expect that a decent level of compensation will be guaranteed for service personnel who suffer injury, disability or loss of limb while on service, may I ask my right hon. Friend to take this opportunity to update us on the armed forces compensation scheme review that this Government initiated last year?

Mr. Ainsworth: It was this Government who introduced the armed forces compensation scheme in 2005. Prior to that nobody received any kind of lump sum payment and people depended on a pension when injured in the service of the nation. We introduced the scheme and then in 2008 we doubled the level of up-front compensation for the most seriously injured personnel. We are in the middle of a review, which is being conducted on our behalf by Admiral the Lord Boyce. Various aspects of the compensation scheme are being examined and we hope that he will report in the near future.

T7. [309597] **Danny Alexander** (Inverness, Nairn, Badenoch and Strathspey) (LD): Yesterday's *Sunday Herald* reported that the initial gate decision on Trident has been delayed—yet again—perhaps until after the general election? Will the Minister announce when he intends to take that decision or, preferably, that he is abandoning plans for the like-for-like replacement of this outdated, unnecessary and very expensive weapons system?

The Parliamentary Under-Secretary of State for Defence (Mr. Quentin Davies): We are certainly not going to announce that we are abandoning that project, for the important reasons that I set out in response to an earlier question. As I said in that response, as soon as we have gone through all the various technical options—one or two have arisen recently and we have to examine them seriously and profoundly—we will come to a decision about the right technical solution for the design of the successor class submarine. We will then go through what we call "initial gate" and we will make an announcement to the House at that time, and that is a matter of a few months away.

T2. [309591] **Mr. Jim Cunningham** (Coventry, South) (Lab): Can the Secretary of State bring us up to date on the defence advisory forum's review of the future for modern warfare?

Mr. Bob Ainsworth: The defence advisory forum has been of great assistance in the preparation of the Green Paper. Not only have we allowed and encouraged various experts to give us the benefit of their views as we have been drawing up the paper, but we have managed to encourage the other two political parties to participate—we tried to ensure that the Green Paper has a broad political base for the propositions that it makes.

T8. [309598] **Mr. Philip Hollobone** (Kettering) (Con): Although the Royal Navy and our allies can tackle pirates off the horn of Africa, they cannot tackle the sources of piracy. What more needs to be done by the international community to tackle piracy at source?

The Minister of State, Ministry of Defence (Bill Rammell): This is a significantly acute challenge. The Royal Navy is doing an immense amount, but, as the hon. Gentleman rightly identifies, it is the source of piracy that needs to be tackled. That requires a comprehensive approach, including significant investment and governance action in Somalia.

T3. [309592] **Lindsay Roy** (Glenrothes) (Lab): Given the importance of the aircraft carrier project to future national security and to jobs in my constituency, in central Scotland and in other parts of the UK, how safe is the carrier project investment with this Government?

Mr. Quentin Davies: The project is 100 per cent. safe in our hands. We are 100 per cent. committed to going through with the project to build these two vital 60,000 tonne carriers for the future defence of the nation. My hon. Friend will not get the same kind of ambiguous response on this matter, sadly, from the Opposition.

Susan Kramer (Richmond Park) (LD): Over the Christmas holidays, I met serving military and their families in my constituency and they mentioned a whole range of welfare issues, from warm jackets being inadequate in Afghanistan to the lack of housing repairs. Will the Minister name an official in his office to whom we can go with these kinds of problems? Most could be resolved with a decent dose of common sense.

The Parliamentary Under-Secretary of State for Defence (Mr. Kevan Jones): It seems to me that the hon. Lady is covering an array of issues. If she is concerned about welfare or housing, will she please contact my private office? Hon. Members on both sides of the House know that I take complaints very seriously.

T4. [309594] **Hazel Blears** (Salford) (Lab): The 2nd Battalion of the Royal Regiment of Fusiliers, in which many brave Salford lads serve, has recently come home after a distinguished and courageous tour of Afghanistan. Like all our troops, in the years to come they will need the highest standards of care and support. On that basis, will my right hon. Friend the Secretary of State seriously consider supporting the excellent manifesto issued by the Royal British Legion on behalf of our troops?

Bill Rammell: Like my right hon. Friend, I support the excellent work done by the Royal Regiment of Fusiliers in Musa Qala and Sangin valley. I know that she has been a strong advocate of the work that it has been undertaking. I also agree that the manifesto of the Royal British Legion is a substantial document that contains many significant and positive ideas, a number of which are already being implemented, and I endorse it.

Mark Pritchard (The Wrekin) (Con): Ahead of the Afghanistan conference later this month, will the Secretary of State pay tribute to [illegible] Commonwealth cousins the Canadians, who have lost 137 armed forces personnel and had 400 injured, many of them seriously? Indeed, will he comment on supporting those of us who want to see that courage and commitment given beyond 2011?

Mr. Bob Ainsworth: I thank the hon. Gentleman for his comments and I am sure that the Canadian armed forces will too. They have provided a very capable high-end fighting capability in Afghanistan, which has been much appreciated by all those who have worked alongside them. We encourage and hope that the Canadians will continue to make a contribution in Afghanistan. They have been real allies in every sense of the word.

T6. [309596] **Andrew Mackinlay** (Thurrock) (Lab): Does the Secretary of State recall the very skilful operation in September 2008, which saw considerable loss of life, in which British soldiers took a turbine to the Kajaki dam? Why is it that that turbine has not functioned since its delivery? Can we be told why not? Is it still in kit form? What is the problem, because it cost us dearly?

Mr. Ainsworth: There is a project to increase the electricity supply to the whole of Afghanistan and the turbine at Kajaki is an important part of that. It is not all that we have relied on, and there have been local generation schemes, too. Of course it took a great deal of effort to get that turbine up to Kajaki; it was a tremendous achievement to get it there. Although we have not made the kind of progress that we would have wanted to make within the time scales that we would have wanted to meet in order to get the benefit of that achievement, the Kajaki dam none the less delivers electricity, and we are hopeful that we can increase the amount of electricity that it provides.

Several hon. Members *rose*—

Mr. Speaker: Order. I want several more colleagues to get in, but I need very short questions and very short answers.

Mr. Robert Goodwill (Scarborough and Whitby) (Con): Do Ministers share the concerns that have been expressed to me by servicemen who have recently returned from Afghanistan that, although they welcome the arrival of new equipment, in many cases the first time that they get an opportunity to use it is in theatre because it is not yet available for training outside Afghanistan?

Mr. Ainsworth: That is not true. People have equipment available during pre-deployment training for their operations in Afghanistan. The hon. Gentleman will remember that just before Christmas we announced a diversion of resources from other programmes to ensure that the equipment that people are expected to fight in will be available to them far earlier. That diversion was opposed by many Opposition Members at the time, but I see from the newspapers that they are now prepared to cut the defence budget, albeit that they will protect the mission in Afghanistan.

Mr. Denis MacShane (Rotherham) (Lab): Has the Secretary of State seen the report in *The Times of India* about a secret conclave of the Indian general staff in Simla last month in which a planned military attack on Pakistan was discussed openly? Is it really helpful for a Commonwealth partner and nuclear power to talk about attacking Pakistan at this stage? Will he write to ask his Indian opposite number to stop beating the drums of war?

Mr. Speaker: Order. One question will do, and we certainly want one answer.

Mr. Ainsworth: I did not see the article. I think that we have made considerable progress in our relationship with Pakistan, which has begun to see the insurgency and terrorism as a big part of the existential threat to Pakistan. We want it to continue in that direction, and so good relations with India have a vital part to play if we are to achieve that.

Mr. Nigel Evans (Ribble Valley) (Con): One injured serviceman recently said to me that his fear for other injured servicemen in receipt of lump-sum compensation packages was that they got no financial advice on how to manage that money. For some of them, it is a large sum of the sort that they have never had before. Will the Minister consider that issue to make sure that they get the proper financial advice?

Mr. Kevan Jones: I agree with the hon. Gentleman. The issue has also been raised with me and is part of Lord Boyce's review.

Paul Flynn (Newport, West) (Lab): Can the Secretary of State describe any possible future situation in which this country will use its nuclear weapons independently?

Mr. Bob Ainsworth: Our independent nuclear deterrent exists to provide us with a response to the kind of blackmail that we could potentially face from other states that are armed with nuclear weapons. I therefore believe that while such threats exist we need to continue to possess a nuclear deterrent.

Angus Robertson (Moray) (SNP): Major-General Andrew Mackay, the commander of British forces in Helmand, recently reported that the UK had "consistently failed" to understand the motivations of local Afghans, and called for a fresh "hearts and minds" strategy focusing on the local culture. When will we see that new strategy?

Mr. Ainsworth: There is not going to be a new strategy. We have a strategy, which is a comprehensive and political strategy as well as a military strategy. I agree with the hon. Gentleman that our understanding of the reasons behind the insurgency, and of local culture, needs to be strengthened. In any conflict, we need to learn those lessons as quickly as possible and get to a level of skill and understanding as soon as we can. We are not perfect at that, as the Afghan and Iraq operations have proved. That is one of the issues that we need to address in a future strategic defence review.

Mrs. Madeleine Moon (Bridgend) (Lab): In *The Times* today, Robin Greenwood of Christian Aid writes:

> "senior military officers complain that aid workers spend too much time and money empowering Afghan women."

That refers to a quote from an article last week by reporters from *The Times*. Is that an accurate view of Britain's senior military personnel?

Mr. Ainsworth: Our military personnel working in Helmand province—I have seen them working alongside their civilian counterparts—recognise completely the absolutely essential role that civilians play, and the need to empower Afghan institutions. We can do things on our own without any involvement from the Afghan authorities, but they will not be lasting, and they will fall apart as soon as we let them go.

David Tredinnick (Bosworth) (Con): Given the shortage of helicopters in Afghanistan, when are the remaining Merlin helicopters in Iraq going to be moved into theatre?[1]

Mr. Quentin Davies: We have already begun to deploy them. The first Merlin arrived before Christmas, and Merlins are in the process of being deployed there. Over the next few months, we will deploy not only more Merlins, but more Chinooks and the re-engined Lynxes, which can fly 365 days a year. As I said earlier, between July last year and July this year, there is to be a 50 per cent. increase in the number of helicopters in Afghanistan, and an even greater increase in available flying hours.

David Cairns (Inverclyde) (Lab): The Under-Secretary of State for Defence, my hon. Friend the Member for North Durham (Mr. Jones), will be aware that a review is under way of the future of Navy buildings in Greenock. Given that the review is four months old, and given that the issue is extremely important to the people who work there, will he provide an update on that review? If not, will he agree to meet me to discuss the matter?

Mr. Kevan Jones: The review is ongoing, and I am happy to meet my hon. Friend.

Mr. Edward Leigh (Gainsborough) (Con): I refer the Secretary of State to the typically excellent question asked by my hon. Friend the Member for Louth and Horncastle (Sir Peter Tapsell). What evidence is there that any of the Taliban whom we have killed in Helmand had anything to do with bomb plots against this country?

Mr. Bob Ainsworth: There is no doubt that the centre of al-Qaeda's power remains in the area between Afghanistan and Pakistan. It may well currently reside on the Pakistan side of that border, but if our troops were not on the Afghan side of the border, the threat would be bound to return, in my opinion, and a return of the direct threat to this country would result from that.

Bob Spink (Castle Point) (Ind): In my constituency returning veterans and their families are made homeless. That is no way to treat them. Will the Minister take steps to force recalcitrant councils to give housing priority to our returning heroes and their families?

Mr. Kevan Jones: The housing priority is already in place, but I shall roll out the welfare pathway, which was launched in Kent in November. That is about councils working together with other agencies, the Ministry of Defence and service charities to bring together maximum help for veterans, service personnel and their families. There is now one phone number for anyone who needs help; it is 08000 223366.

Alistair Burt (North-East Bedfordshire) (Con): I, too, have a constituent who was tragically bereaved by the Chinook accident. Will the Minister indicate whether there are any circumstances in which he might reopen the matter and review a decision that is increasingly challenged and that looks more and more unhappy?

Bill Rammell: The Ministry of Defence has always made it clear that if new evidence is brought forward that directly focuses on the issues and provides evidence of technical failure, we would reopen the investigation. No such new evidence has been forthcoming.

Simon Hughes (North Southwark and Bermondsey) (LD): Will Ministers learn the lesson from the tragic death last year of Andrew Watson, my constituent, who, having served in Iraq, had continuing mental health problems, and will they make sure that when servicemen and women return, they always have 24-hour-a-day access to mental health services that understand their past and their difficulties?

Mr. Kevan Jones: They already do, in terms of decompression at Camp Bloodhound in Cyprus, but I am pleased that today, my counterpart, the Minister of State, Department of Health, my right hon. and learned Friend the Member for North Warwickshire (Mr. O'Brien) and I signed a memorandum of understanding with Combat Stress, concentrating not just on veterans but on their expertise, and on how we can ensure that the lessons from the six mental health pilots are included in mainstream services in the NHS.

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[1] *[Official Report, 25 January 2010, Vol. 504, c. 3MC.]*

Severe Weather (Transport and Public Services)

3.34 pm

The Minister of State, Department for Transport (Mr. Sadiq Khan): With permission, Mr. Speaker, I shall repeat a statement that my right hon. and noble Friend the Secretary of State for Transport made about the severe weather, transport networks and public services.

With leave, I will make a statement on the recent prolonged severe weather that we are currently experiencing and on the steps being taken to support our public services. The current cold weather began in mid-December and is the most prolonged spell of freezing conditions across the UK since December 1981. The Met Office forecasts that the current very cold conditions are likely to continue across most of the country for some days longer.

These extreme conditions continue to affect our transport and energy networks, as well as public services, including schools and hospitals. I would like to thank the many hundreds of thousands of people working tirelessly across the country to keep Britain moving in these extreme conditions.

Over the past weeks, we have seen many tremendous examples of Britain's community spirit in action, with people lending vehicles, digging clear paths to allow ambulances and police vehicles through and visiting neighbours in need. We will do all that we can to support and encourage people helping out in their communities.

Our key priority is to keep open the core transport networks, national and local. All main transport networks are operational, even though with reduced services in some areas. The vast majority of the motorways and major trunk roads remain open. Network Rail and the train operating companies advise that the major rail routes are open, subject to delays and cancellations. The position is similar for air travellers. Eurostar is running a reduced service. Our advice remains that people should check routes before they travel, and I thank all travellers for their forbearance at this time.

To keep our roads open, much of our attention has been on ensuring that ploughs and gritters have got out to where they are needed most. The Highways Agency has had its fleet of 500 salt spreaders and snow ploughs out in force throughout this period, as have local authorities.

Last week, we opened Salt Cell—a collaborative task force involving central Government, the Local Government Association, the Met Office, the devolved Administrations and Transport for London. The group advises salt suppliers on how best to distribute salt.

Last Friday, I directed the Highways Agency to manage its use of salt in response to forecasts of prolonged bad weather, by reducing its daily use of salt by at least 25 per cent. It has achieved that by taking measures such as not directly spreading salt on the hard shoulder of motorways.

For local roads, the Local Government Association and the Mayor of London have agreed to reduce daily use by at least 25 per cent. also, recognising the importance of mutual support to keep Britain moving safely. Local authorities are taking their own decisions on the prioritisation of supplies in their localities. The Highways Agency has played a key role in providing mutual aid of additional salt and gritters to local highway authorities and key organisations, such as Felixstowe port.

We continue to take all possible steps to maximise the production of salt from our principal suppliers. On 29 December, the Highways Agency placed an order for significant additional salt imports, which are due to start arriving later this month.

The energy sector is experiencing high demand due to the extreme conditions. The system has been responding generally well at a time of record demand. However, ongoing supply issues in Norway have caused National Grid to issue a gas balancing alert today, as well as on Saturday, when the problems arose. The gas balancing alert is a tool that National Grid uses to make sure that there is enough gas on tap and there is no shortage of supply for domestic customers.

The Department for Work and Pensions is helping citizens in two ways this winter: with winter fuel payments—first introduced in 1997, and now standing at £250 for pensioner households, rising to £400 for the over-80s—and cold weather payments of £25 for those in receipt of pension credit, where there are sub-zero temperatures over the course of seven consecutive days. Cold weather payments were last year increased to £25 from £8.50 per week. These payments are automatic. Everyone in Great Britain who is entitled will get them and should not worry about turning up their heating.

During times of increased demand, we all need to think responsibly about whether our health issues are a genuine priority and use NHS resources responsibly. Medical advice is available by phone through NHS Direct.

There are no reports of major problems with food supplies reaching retailers. Because the UK has a diverse supply of food from domestic and international suppliers, we are not reliant on just one source of food, which helps maintain stability of supply as well as helping keep prices stable. Last week we relaxed the enforcement of drivers' hours regulations to ensure that the essential deliveries of rock salt and animal feed could be made. Over the weekend, we further relaxed the enforcement of the regulations to allow the delivery of fuel oil to remote areas of Scotland and of de-icer to airports, and to allow bulk milk tankers to continue making their deliveries.

Schools are making every effort to reopen after last week's closures, and this week there has been a significant improvement. The Department for Children, Schools and Families reports that virtually all exam centres are able to run their exams as scheduled, or have found alternative locations at which to hold them.

I know that the House will wish to join me in thanking the hundreds of thousands of people across the transport industries, the NHS, the education system, the armed forces, local authorities and other public services for helping all our communities come through this severe weather. However, the forecasts are for a further period of snow and sub-zero overnight temperatures and we must take further steps to keep Britain moving.

In July last year, the UK Roads Liaison Group published a report into the lessons learned from the severe weather experienced in February 2009. Recommendations that were made to central Government were adopted immediately and in full. There were

[Mr. Sadiq Khan]

recommendations to local authorities as well, on which individual authorities were expected to act. The key recommendation was that local highway authorities should keep at least six days of salt stocks, and that over and above this the Highways Agency should hold an additional strategic supply to underpin national resilience. To this end, the Highways Agency came into this winter period with a 13-day supply of salt, subject of course to replenishment.

The report also made recommendations for my Department to convene a Salt Cell task force to prioritise supplies in the event of extreme conditions. That we have done. Salt Cell has enabled us to prioritise salt distribution to where it is most needed, and I am grateful for the co-operation of the Local Government Association, the Mayor of London and the devolved Administrations. Salt Cell next meets tomorrow morning.

Given the prolongation of the very cold weather, further measures are likely to be required over the next 48 hours to keep networks open. These are likely to include further steps to conserve salt, to ensure that the Highways Agency and local authorities can manage during the continuing severe weather. The Local Government Association and the Government are in constant contact and we will continue to take the necessary operational decisions to keep networks open as far as possible. We are experiencing the most severe weather conditions for 29 years, in common with much of northern Europe. We need to continue pulling together for the common good, as we have done over the past weeks.

Mrs. Theresa Villiers (Chipping Barnet) (Con): I thank the Minister for advance notice of his statement.

Like the Minister, I pay tribute to all the councils, council workers, salt producers, the armed forces, the police and others who are working so hard to try to keep the country moving during the present crisis. We should remember that many communities have had three solid weeks of this, without the brief respite over Christmas that much of the south-east enjoyed.

Everyone accepts that a degree of disruption is inevitable with such extreme weather, but the Government have important questions to answer about the adequacy of the preparations that they made for the weather episode. It is not acceptable for the Government just to pass the buck to local authorities. Will the Government accept their share of responsibility for the current shortage of gritting salt, particularly in the light of the fact that the Government's Salt Cell now controls allocations of salt across the country?

What are the local salt stocks now held in the UK, and how long will they last? Which areas in need have the lowest stocks? Does the Minister have any estimate of the proportion of roads and pavements that have not been gritted or cleared? Have our armed services got all the salt that they need? Should the NHS be included in the Salt Cell to help ensure that hospitals and emergency services have access to all the salt that they need? Why did it take until last week to relax drivers' hours, when these problems have been ongoing for nearly a month?

The media have reported a recent diversion of exported salt to use in this country. What other exports have taken place since the cold weather episode began, and why were steps not taken more quickly to divert exports back for UK use? Why is Salt Cell not meeting today, given the urgency of the situation? What estimate has the Minister made of the cost of repairing the damage to the roads caused by the freezing conditions? Does he agree that it is wholly contrary to common sense if people feel at risk of negligence claims when they clear paths and pavements? Is that not penalising the sort of socially responsible behaviour that all parties should encourage? Is he aware that anxiety about liability was one reason why many schools stayed shut?

The Government accused us of scaremongering about gas supplies, but if everything is fine with energy supplies why did National Grid issue its fourth alert in two weeks today? The Local Government Association, in its July report, "Weathering the Storm: Dealing with Adverse Winter Weather Conditions in the UK", concluded with the key lesson that should have been learned from last February's weather crisis and low salt supplies. It stated:

> "Effectively, the country is almost completely reliant on two main suppliers operating deliveries on a 'just in time' basis."

Will the Minister acknowledge that the Government's failure to heed that warning meant that many councils found it almost impossible to obtain resupplies as the cold snap progressed? Does he accept that the scarcity of salt supplies has undermined councils' ability to grit and clear side roads and pavements? Will he acknowledge the extent of the concern about slippery pavements—shown particularly by the elderly, many of whom have felt reluctant to leave their homes for the past few weeks?

The Secretary of State's requests for councils to reduce their daily use of salt by 25 per cent. was an admission of failure by the Government. They made inadequate preparations for the cold weather; they sat on the LGA's report on the issue until two days before the snow started to fall; and they failed to learn the lessons of February 2009, leaving our road network far more vulnerable to disruption than it should have been—to the detriment of families and businesses throughout the country, already struggling with the impact of one of the longest and deepest recessions in modern history.

Mr. Khan: May I say how disappointed I was by the mean-spiritedness with which the hon. Lady asked the vast majority of her questions? Before I take each point that she raised in turn, may I repeat my tribute to local authorities of whichever party throughout the country? I appreciate some people's nervousness at the fact that a number of local authorities are Conservative-run, but I am not going to point the finger at them and blame them for the problems that they have had. We have to understand this point: either we are a nanny state, telling local authorities what to do and controlling how much salt they order, or we trust locally elected councillors to order the right amount of salt based on the advice that experts gave in July.

It is worth reminding ourselves of the history of the issue. After February's severe weather, the then Secretary of State for Transport asked not only for a review but for experts to report on the matter, and they did so in July. Of the many recommendations that were made, four applied to my Department and all were dealt with immediately and in full. A number of recommendations applied to local authorities. I appreciate the difficulties that we have with some authorities that are Conservative-run, but I am not going to point the finger at them.

I must say, however, that the idea that we state-produce salt and tell local authorities where to get it from is absurd. These are commercial decisions that local authorities take.

The hon. Lady referred to the decision to reduce the amount of salt that we distribute on our roads—the motorways and trunk roads—by at least 25 per cent. We took that decision for the roads that we control, and the Local Government Association and the Mayor of London agreed to those levels. We could not force them to go down to those levels; they showed that they understand the challenges that we face, and they agreed to reduce the amount to those levels because they actually run things and know when a common-sense decision needs to be taken. They did not oppose it for opposition's sake.

Over this period we have had constructive dialogue with all key stakeholders, including Government offices, the regional resilience centres and others. It is not true—indeed, it is misleading—to say that the first decision to relax EU hours was taken last week and this weekend; it was taken before Christmas and extended last week and over the weekend.

In relation to Salt Cell's meetings, again I should say that one benefit of running things is that one gets some experience, and one thing that we have to do before we hold such meetings is to get the information in. Today is therefore important, because, before a decision is taken about where salt goes over the next period, we are actually speaking to local authorities and finding out how much salt they have, and finding out from salt suppliers where the salt went during the previous period.

The hon. Lady was right, however, to express concern about scaremongering in relation to potential litigation and about the prosecution of people showing common sense and a generosity of spirit in clearing their pathways. I would say, however, that the situation is not helped when certain newspapers carry front-page stories causing alarm and distress among some of the elderly people she and I are concerned about.

On the LGA report of July-August, the fact that it could prepare a report after the report by the UK Roads Liaison Group shows that it understood the challenges that it faced. I would say in its defence that this is the most severe and prolonged period of bad weather in 29 years. I am sure that local government would be criticised if it had bought equipment and salt that sat idle for 10, 15, 20 or 30 years, especially when it has been asked to make stringent—some would say savage—cuts over this period. We continue to work constructively with all key stakeholders, whether they be local government, the Mayor of London, the devolved Administrations, or salt suppliers working in the private sector.

I hope that the Opposition have seen the generosity of the British public over the recent period; I would expect that generosity to spread to politicians as well.

Norman Baker (Lewes) (LD): May I, too, pass on my thanks to the staff of the Highways Agency and local councils, and indeed the railway industry, for what they have been doing to try to keep our infrastructure going?

I accept that, as the Minister says, much of what takes place is a matter for devolved local council work, or for private companies such as the salt companies, but I hope that he accepts that the Government have an ultimate responsibility to ensure that the national infrastructure is kept operational and intact. With that in mind, will he reflect on the suggestion that local authorities should have had six days' supply of salt and consider whether that is adequate given the experience that we have had, and given that, as regards the order that was put in on 29 December, it will take some time for overseas stocks to arrive, which means that if the weather deteriorates—it may not—we could run out of salt?

Some local authorities have done extremely well, but some appear to be using the lack of salt as an excuse to cut back on gritting, perhaps unnecessarily. Will the Minister consider whether that is appropriate and examine these procedures to ensure that people across the country have the best transport infrastructure that they possibly can in the circumstances that apply?

Will the Minister confirm that the Highways Agency has been asking local authorities whether they can help with its supplies? For example, Stockport borough council has been asked if it can help the agency by providing extra stocks.

Does the Minister recognise that significant long-term costs will arise for local highways authorities as a result of the damage to the road network that will undoubtedly be caused by the use of salt and grit? There will be a big repair bill at the end of this—will he factor that into the local government settlement for councils?

Notwithstanding the wish that the Minister and I share for devolution to local councils, does he recognise that some councils, including my own, have taken the view that it is inappropriate to treat any pavements at all and have concentrated all their salting and gritting on the roads? Is that not unfair on pedestrians, particularly those who are elderly and infirm, and may, for example, have to get off a bus on to an ice sheet next to the bus stop?

Will the Minister examine the cost to the economy of this episode, which is running into billions? Will he consider whether higher levels of grit and salt maintained by local councils would do more to minimise the damage to the economy, as well as the cost to the NHS arising from people being in hospital unnecessarily as a consequence of falls?

On legality, does the Minister accept that, unfortunately, some people, including those in schools, are genuinely concerned about possible liability issues? In my view, many schools should have opened much sooner but have not done so because of fears of liability. What sense does it make for children to be turning up at school, having trudged their way through ice and snow to get there, only to be told that they have to stay indoors and cannot go out in the playground to play because schools are worried about being sued if the children fall over there?

Finally, will the Minister ensure that there is a review of this whole episode and report back to Parliament in due course on the lessons to be learned?

Mr. Khan: I thank the hon. Gentleman for his comments and questions. He is right to refer to the issue of six days' supply of salt. I draw his attention to the UKRLG report, which is a very full report that touches on many of the issues raised. In chapter 8, under the heading

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"Winter Service Resilience", it recommended six days' worth of salt as an adequate amount. In the group's mind must have been the fact that, in February 2009, we had the worst weather in 18 years. We now have the worst weather in 29 years, and I suspect that once we reach the end of this prolonged period of bad weather and consider our options for reviews and so on, we will need to make a cost-benefit analysis of whether, given that we have had prolonged bad weather in two consecutive years, it makes more sense to save enough salt for a longer period. That analysis would include, for example, investment in salt barns, because one of the big challenges for local authorities and the Highways Agency is the amount of storage space that they have for salt. Local authorities have asked themselves whether it is worth their spending money on salt barns given that they use salt so infrequently. That is for experts to consider, not for me on the Floor of the House, but it is an important question.

The hon. Gentleman raised an important point about diversifying suppliers in the chain. Salt is a geological issue and I cannot invent salt in the mines of England overnight, but as part of the contractual terms with suppliers, even domestic suppliers can be asked to have some foreign imports in their supply chain. The Highways Agency does that to ensure that it protects our supply chain of salt.

The hon. Gentleman made an important point about mutual aid. We can provide central aid to local authorities, but there are also many really good examples of local authorities helping others that have less salt, for obvious reasons, by giving them salt. That is an example of the generosity of spirit that I mentioned, and we need more of it.

The hon. Gentleman referred also to the damage to local authority highways caused by grit and salt, which is one issue that will need to be considered in a cost-benefit analysis of the general pattern of bad weather. He will be aware from the urgent question last week and my response to it that I cannot give advice centrally about which pavements should be gritted and which should not, and Salt Cell, the Government and extreme bad weather cannot be used as an excuse for a local authority not discharging its responsibility as it should. A local authority needs to consider the fact that as a matter of common sense, a pathway that leads to a general practitioner's practice, for example, is probably more in need of gritting than a road that very few people drive down. Once again, it is for local authorities to take that decision.

The hon. Gentleman's final point was the very important one of liability, which was also raised by the hon. Member for Chipping Barnet (Mrs. Villiers). There are concerns about people being risk-averse or using the weather as an excuse not to do things that they should. I was pleased to see the comments of the president of the Association of British Insurers in the press today and yesterday, which will have given some comfort to schools and local authorities concerned about being defendants in a future civil litigation or prosecution if they open up the schools. As far as individual schools are concerned, most decisions whether to open or close are taken by head teachers. Some local authorities are giving out advice and being prescriptive, but other decisions are being taken by head teachers on a horses-for-courses basis. I am pleased as I am sure the hon. Gentleman is, that so many examination centres are open today, so that the many students who have revised for long periods can take their exams.

Several hon. Members *rose*—

Mr. Speaker: Order. Some 21 hon. and right hon. Members are seeking to catch my eye, so as ever short questions and short answers will be required if I am to have any chance of accommodating everybody. I call Mr. Martin Salter. *[Laughter.]*

Martin Salter (Reading, West) (Lab): True grit, Mr. Speaker. I think the heckling needs to be short as well.

Does the Minister agree that one of the most important priorities must be to reopen the schools, to avoid damaging children's education but also to allow other vital public sector workers such as ambulance drivers—and dare I say—gritter lorry drivers, NHS staff, firefighters and Highways Agency staff to get to work themselves? Will he commend the approach of Mr. Charlie Clare, head teacher of Geoffrey Field junior school in my constituency, who got together the staff, some private contractors and some parents to clear the snow and ice themselves this weekend, so that his school could open today? Teachers cannot be immune from the challenges faced in cold weather. Other public sector workers have to deal with them.

Mr. Khan: As ever, I cannot disagree with anything that my hon. Friend has said, and I commend and endorse his points. It is worth bearing in mind that every day a school is closed, not only is children's education disrupted but the knock-on effect on their carers is phenomenal.

Mr. Stephen O'Brien (Eddisbury) (Con): I ask you, Mr. Speaker, and the whole House to join me in congratulating the work force at Winsford rock salt mine on their continuous, 24/7 working, be they down the mine, in the office, the order takers or the management.

I hope that the Minister will take it as a positive and constructive comment that he should look carefully now at avoiding delays in the operation of Salt Cell so that the producers quickly get news of what is required where and can then get on with supplying without further delay. We should also ensure that we learn the lessons of how to resupply in the autumn rather than waiting for the winter.

Mr. Khan: I hear the hon. Gentleman's point and will ensure that such delays do not happen. The Under-Secretary of State for Transport, my hon. Friend the Member for Gillingham (Paul Clark), reminded me that he visited the salt mine and was very impressed by the work of the hon. Gentleman's constituents.

Mr. Richard Caborn (Sheffield, Central) (Lab): May I also put on record my congratulations on the sterling work of Sheffield city council, which has done a fantastic job? That is in contrast with the Liberal leader of the council, who went on BBC radio on the evening of Friday 8 January to say that we would have a weekend of despair in the city because we had no salt and there was no telephone number to ring as people were not working over the weekend. While he was appearing on the news, 280 tonnes of salt were being delivered to Sheffield city council, and another 300 tonnes have subsequently been delivered. Will my right hon. Friend contact the city council to ensure that it has the right information so that the council leader cannot scaremonger in Sheffield?

Mr. Khan: As ever, my right hon. Friend has highlighted some of the options that people have taken during this difficult time—we can either come together and get through the difficult time, or make picky, silly points, which are factually incorrect, and use the conditions as an excuse to score cheap, party political points.

Anne Main (St. Albans) (Con): My constituents are almost on their knees because of the lack of trains due to First Capital Connect. Last Thursday, not a single train stopped in St. Albans—because, I gather, the trains were washed on Wednesday evening and therefore froze. What can be done to get a better service for my constituents, who are in despair about the lack of train services from St. Albans to St. Pancras?

Mr. Khan: The example beggars belief. May I look into the specific reason for disruption on that day? Network Rail and the train operating companies have told us that the lines are open. For obvious reasons, there are reduced services and some delays. The hon. Lady's example looks like incompetence rather than a delay caused by severe weather.

Natascha Engel (North-East Derbyshire) (Lab): The Minister spoke about prioritising salt and grit and putting gritters where they are needed most. May I put in a bid for rural, remote areas such as North-East Derbyshire, where it is still snowing, and ask him to put them at the top of his priority list?

Mr. Khan: We know that some of the roads and railway lines in the trans-Pennine area are experiencing particular difficulties. I will look into the specific issue that my hon. Friend raises, but we also know that roads are lifelines for rural parts of the country, especially for older people who are cut off from other members of the community and cannot be given simple things such as hot meals and for whom supply is a source of concern. I emphasise that I will consider my hon. Friend's specific point.

Mr. John Redwood (Wokingham) (Con): Should not schools that have to close for snow find alternative days during the year when they can replace the missing education?

Mr. Khan: The right hon. Gentleman makes an important point about hours and days lost as a result of school closures. I understand that the Department for Children, Schools and Families gives guidance about the closure caused by extreme weather in which one of the issues is making up lost time.

Mr. Gordon Prentice (Pendle) (Lab): There is concern in Lancashire that the county council has neglected east Lancashire, where there are many hills, and which has been hard hit. Has my friend given any thought to transferring responsibility to lower-tier authorities in two-tier areas such as Lancashire? Many people want local control of gritting.

Mr. Khan: We have not looked at devolving gritting even further. One of the lessons that may be learned from the experience of the past two or three weeks is whether there is sense in economies of scale, or in going the other way in some cases. The key point is that those who know their communities best know the places that are in most need of gritting. Local communities' information can be of huge benefit and a great boon.

Gregory Barker (Bexhill and Battle) (Con): May I commend the efforts of local council workers and emergency service workers in Bexhill and Battle? I cannot say the same of the management of Southeastern trains. The train service south of Tunbridge Wells to Hastings has been patchy in the past few days, and it is totally unacceptable that station platforms were not cleared. Not a flake of snow was shifted from the platforms of Battle station from Monday till yesterday, making it extremely dangerous for the travelling public. That is simply not acceptable.

Mr. Khan: Once again, I will look into the hon. Gentleman's example. He makes a very important point and I will look into it.

Bob Russell (Colchester) (LD): When I was a lad, schools did not shut because of the snow. Before the day is out, will the Minister nail the urban myth that people who clear the snow on the pavement outside their houses or businesses are somehow likely to be held legally liable? Will the Government please nail that urban myth, because it used to be that an uncleared pavement was the exception, but now the cleared pavement is the exception?

Mr. Khan: Those were the days! Somebody will probably come up with an example of someone being prosecuted or sued, but the hon. Gentleman is right: the message that is sent to the good citizen or somebody who wants to discharge their civic duty is perverse. At a time when schools are closed, we want young people to be doing something constructive. If a school is closed, people expect their young son or daughter to be outside helping a neighbour—perhaps someone who does not have children—to clear their pathways, and not to be frightened of being sued or prosecuted.

Mr. Peter Bone (Wellingborough) (Con): What would the Minister say to Conservative-controlled Northamptonshire county council, which was well prepared for the severe weather, but suddenly found that because Salt Cell was activated, supplies it was due to receive were sent elsewhere in the country?

Mr. Khan: When we talk about generosity of spirit, we hope it applies to local authorities as well as to politicians and members of our community. Salt Cell is about advising salt suppliers which parts of the country need salt most. If a local authority has adequate supplies of salt and another does not because of the prolonged bad weather, it is not going against the spirit of what we are talking about to allow the latter to receive the salt

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that it needs. That was agreed by the Local Government Association, the devolved Administrations, the Mayor of London and all the key stakeholders, as my right hon. Friend the Secretary of State has reminded people, and it was recommended by the UK Roads Liaison Group.

Andrew Selous (South-West Bedfordshire) (Con): I pay tribute to all those who have made sterling efforts to try to keep my constituents moving, but what lessons have been learned about the export of British salt and grit at a time when many local authorities, including my own, have not had the orders that they had placed fulfilled? May I gently say to the Minister that perhaps a good watchword for the future would be this: British grit for British roads?

Mr. Khan: One's principles and values are challenged at difficult times. Is the hon. Gentleman suggesting that we outlaw private companies from exporting to other parts of this planet for a profit? If so, I am happy to look into it—*[Laughter.]* However, I suggest that it is more sensible for local authorities to look at the market to see where salt is available and to learn from the experience of extreme bad weather. Some local authorities get salt from overseas, as does the Highways Agency itself.

Anne Milton (Guildford) (Con): We are still waiting for an answer to the question whether local authorities will have any additional funds made available to them to repair the damage to pavements and roads, but I am more interested in knowing what assessment the Department has made of the risk of flooding after the snow melts.

Mr. Khan: The second part of the hon. Lady's question is very important. As the snow melts, there is a real concern about flooding—that is one issue that is being looked into. On her first point, if she is suggesting additional expenditure for additional funding for local authorities over and above the Bellwin funding and other sources, I am sure her hon. Friend the shadow Chancellor will be interested to hear of it, as indeed will we, because it will add to the £34 billion black hole in the Conservatives' spending plans.

Mr. David Heath (Somerton and Frome) (LD): There are some village schools in my constituency, such as Horsington and Berkley schools, that cannot open, despite the best efforts of the staff, because the county council has not cleared the roads to them. The vice-chair of the Berkley governors was told on Friday by the county council: "As of this morning, the control of grit and salt has been taken over by central Government and therefore, even if we wanted to, we would not be able to authorise the clearing of the road to the school." Is the Minister happy that the Government are now the excuse for Somerset county council?

Mr. Khan: As has been my experience over the past four and a half years, the hon. Gentleman makes a good point. Over the past few days and weeks, we have seen examples of local authorities and others using central Government as an excuse for their inability to run services in their communities. We need to be vigilant about local authorities that point the finger—most of them, I am afraid, happen to be Conservative authorities, as he will be aware—and that are prayed in aid by ill-briefed spokespeople for Her Majesty's Opposition, whether for the Department for Communities and Local Government or the Department for Transport.

David Tredinnick (Bosworth) (Con): Can the Minister assure me that the Highways Agency, which he controls, will properly prioritise parts of our national roads? For example, the A5 at Hinckley next to my constituency is extremely dangerous on the Sketchley bends, but other stretches, further down, are not. Will he ensure proper prioritisation?

Mr. Khan: I undertake to get back in touch with the hon. Gentleman about the example that he raises. One of the key things that we need to do is ensure that the roads for which either the Highways Agency or the highways authorities are statutorily responsible, of which there are more than 150, are covered.

Angus Robertson (Moray) (SNP): De-icer deliveries are vital to airports, as are deliveries of heating oil to homes and businesses throughout the north of Scotland and elsewhere. Driving restrictions have been relaxed, which I very much welcome, but the deadline for some of those restrictions is coming up. Will the Government review those restrictions, with a view to allowing those vital deliveries to continue?

Mr. Khan: I thank the hon. Gentleman for his question. The latest relaxation for de-icer products to airports was issued at 4 pm on Friday 8 January, and we know that it will run out imminently. We keep such matters under review and we have ensured that we relax EU directives whenever that is required. We shall of course take on board the various needs of the drivers, as well as the needs of the wider community.

Mrs. Maria Miller (Basingstoke) (Con): Last week I received a clear assurance at Prime Minister's questions that there would be sufficient salt supplies to meet the needs of local authorities, yet today most of the pavements and residential roads in my constituency are still treacherous and, in some places, impassable. What went wrong between last Wednesday and today, meaning that Hampshire county council has still not received the salt deliveries that it needs?

Mr. Khan: I am not sure whether the hon. Lady is suggesting that all the pavements in her constituency and her county should be gritted. As I have said a number of times this afternoon, and as has been said by others too, Salt Cell advises salt suppliers on which parts of the country need the salt the most. It is for local authorities to decide how that salt is used.

Mr. Nigel Evans (Ribble Valley) (Con): On Saturday I congratulated a couple of gritters who had visited Cow Ark near Clitheroe, a hamlet that had been isolated since before Christmas. We know that the gritters cannot do every village straight away, but I understand that in the past the network of farmers was used to clear the roads. However, we are now told that they need NVQs in health and safety. Is that correct? If so, as the Minister has relaxed some rules, can he now make absolutely certain that local authorities can ask farmers to get out there with the equipment that they know how to use and clear those roads?

Mr. Khan: I have referred all afternoon to the importance of common sense and generosity of spirit. What the hon. Gentleman describes is news to me. I shall get back to him on the points that he has made, because it seems that people who can help to clear pathways, and who want to use their common sense and demonstrate their generosity of spirit, are being deprived of the opportunity to do so. That should not be the case.

Mr. Nicholas Soames (Mid-Sussex) (Con): In that spirit, let me tell the Minister of the excellent work done by the work force of West Sussex county council, Mid Sussex district council and the town councils in Mid-Sussex, and of the heroic efforts of many other snow heroes, who used their common sense and tried to keep the place going. Does he agree that the lessons learned from the past few days will be extremely important for the future? Will he take the trouble to get examples of best practice from councils all over the country, so that the guidance issued is truly useful?

Mr. Khan: I cannot disagree with anything the hon. Gentleman has said. I shall merely add that one reason why the UKRLG was asked to produce its review following the February experience—the worst weather for 18 years—was that we could learn the lessons from it. We are now experiencing the worst weather for 29 years. We have a habit in this country of criticising ourselves and what we do when times are bad. However, when we compare what is happening here with the experience in northern Europe, where the weather is equally bad, we find that we have coped a lot better than France, Germany and elsewhere. The examples that the hon. Gentleman gave demonstrate the generosity of spirit and common sense of the people in Sussex and in other parts of the country.

Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD): I am grateful to the Minister for his efforts over the weekend to ensure that the working hours rules for drivers delivering heating oil to households across the highlands were relaxed. I understand that that relaxation will expire at midnight tonight, but there is still a significant backlog of heating oil deliveries. This will particularly affect needy families in rural areas, where it would be a disaster if energy supplies were to run short. Will he look urgently into continuing the relaxation of the working hours rules in the days to come, to ensure that the backlog can be cleared?

Mr. Khan: I have heard the hon. Gentleman's request, and I have read the three texts that he sent me this morning. I will ensure that, when the relaxation of the rules expires tonight, we make the right decision, to ensure that his constituents, and those in the wider community, get the service that they need.

Bob Spink (Castle Point) (Ind): You will be astounded to learn, Mr. Speaker, that my local council gritted the access to the local Conservative club but totally refused to grit the access to a doctor's surgery, which is long and dangerous for elderly and frail people. It is still refusing to do so. How can we get some common sense in how local councillors prioritise using their grit?

Mr. Khan: Some of us believe that access to a doctor's surgery is more of a priority than access to the Conservative club. I am disappointed that there is not agreement on that across the Chamber.

Rosie Cooper (West Lancashire) (Lab): My constituents want to know who audits the lack of performance by local authorities, many of which have a considerable number of executives who earn more than the Prime Minister. That obviously does not include the Health and Safety Executive, because I reported Lancashire county council to the HSE last year for its blanket non-gritting of side roads and pavements. This year, the Conservative leader of Lancashire county council has berated me for wanting all the bus routes gritted. In fact, he proudly told local radio listeners that he would not do that. This is my question to the Minister: is this what we have to look forward to?

Mr. Khan: I pay tribute to the Local Government Association for the leadership that it is trying to provide in giving the right guidance to local authorities. Unfortunately, however, it cannot make local authorities do the right thing. My hon. Friend has given examples from her community of the council not providing the service it needs to provide. Councils such as hers are using central Government or Salt Cell as an excuse for not providing the right level of service. They should be prioritising roads that buses use, because that would allow people to catch buses and thus leave their homes. She and I need to ensure that we highlight the parts of the country in which councils have not provided the service that they should have done.

Children, Schools and Families Bill

[Relevant documents: The First Report of the Children, Schools and Families Committee, School Accountability, HC 88-I, and the Second Report of the Committee, The Review of Elective Home Education, HC 39-I.]

Second Reading

4.18 pm

The Secretary of State for Children, Schools and Families (Ed Balls): I beg to move, That the Bill be now read a Second time.

The Children, Schools and Families Bill is vital to meet what I believe is our moral imperative to help every child and young person to make the most of their talents and to ensure that no barrier is allowed to hold them back. But, as well as that moral imperative, we face an economic imperative to ensure that all our young people get the skills that they need and that businesses are demanding, so that our country can thrive and succeed in the 21st century global economy.

As we debate the Bill today, 750 education experts and more than 70 Education Ministers representing 1 billion children in 80 countries around the world are meeting here in London on the other side of Parliament square, at the learning and technology world forum—the largest education and technology event of its kind in the world. They are here both because the UK is a world leader in technology for education and because our Government and every Government around the world face these twin moral and economic imperatives.

As a result of our sustained record of investment and reform over the past 12 years, we have gone from below average to well above average in the world, but our ambition is to get to a world-class education system, in which every child, and not just some, gets all the help and support they need to make good progress, and every parent, and not just some, has the choice of a good local school. That is why the Bill sets out the next steps that we will take to achieve our ambition by providing a guaranteed route to a good qualification for every young person, a promise of guaranteed extra catch-up support for every child who falls behind, more power for parents, a boost to the status of the teaching profession and further backing for local leaders to ensure that every school is a good school with stronger back-stop powers for the Government to step in as a last resort if schools are not being turned round.

Those measures are essential for a strong economy and a fair society. They are now possible only because of our sustained investment and reform over the last decade and they are also all actively opposed by the Opposition parties, particularly by the Conservative party, which is proposing instead a costly and unfair free-market free-for-all that will be paid for only by huge cuts to existing schools.

Before I move on to the details of those measures, I am sure that the whole House will want to join me in paying tribute to my hon. Friend the former Member for North-West Leicestershire who sadly died on Boxing day and whose hugely well attended funeral took place on Saturday. He was a strong campaigner on behalf of children in this country and regularly made significant contributions to our education debates. He will be sorely missed in this House.

Mr. Ken Purchase (Wolverhampton, North-East) (Lab/Co-op): And he was opposed to academies.

Ed Balls: My hon. Friend says from a sedentary position that David Taylor was opposed to academies, which is quite right, but he was also deeply committed to investing in and reforming our school system in order to deliver for all children, which was a regular part of his contribution.

To ensure that every young person can develop all the skills they need and that employers want, we have already introduced historic legislation to raise the education and training age to 18, to fund fully our school leavers' guarantee, to expand apprenticeships and to introduce diplomas. Through this Bill, we are now legislating to implement Sir Jim Rose's review of the primary curriculum from September next year so that teachers have more space and flexibility to decide what to teach while retaining a strong focus on basic literacy, numeracy and information communications technology. We will also put PSHE—personal, social and health education, including sex and relationship education and financial education—on a statutory footing for the first time and guarantee for the first time that all young people receive at least one year of sex and relationship education.

Andrew Selous (South-West Bedfordshire) (Con): I speak as a governor of a Church of England primary school in my constituency, which has always taken tremendous care to involve parents in the sex and relationship education taught to their children in the school. What assurances can the Secretary of State give me that in future the ethos and culture of the school and the wishes of those parents will be respected, as I can tell him that there is worry across the House about this issue?

Ed Balls: I can give him an absolute assurance on that. I consulted in detail both the Catholic Education Service and Church of England education leaders as well as more widely before coming forward with this proposal. The decision to make sex and relationship education statutory is, I think, supported by all political parties, but it is essential that it is taught in line with the ethos, including the faith, of the school. That is clear in the legislation: it is clear that parents as well as school governors will have a say in how the subject is taught, while there is also a parental opt-out, which will apply to pupils until they are 15. I can thus give the hon. Gentleman the complete assurance that the school will be in charge of how to teach SRE, but the fact of teaching it will be in law and guaranteed to all children.

Several hon. Members *rose*—

Ed Balls: I will take another intervention.

Philip Davies (Shipley) (Con): The Secretary of State seems to have the impression—he is certainly trying to give the impression—that everyone is in favour of making this a compulsory part of the national curriculum, but he knows that in September the Qualifications and Curriculum Development Agency published details of responses to the consultation it carried out, showing that of 6,433 responses, only 32 per cent. agreed with the proposal to make PSE a statutory part of the national curriculum. The right hon. Gentleman is still going ahead, despite the fact that on the basis of information from his own agency, most people are actually against it.

Ed Balls: I shall not fall into the trap of assuming that if those on the Opposition Front Bench support a policy the hon. Gentleman will support it, or vice versa. The fact that the hon. Gentleman does not support this policy and Opposition Front Benchers—I believe—do support it is probably fairly true to form.

The hon. Gentleman is right to say that there was an organised campaign as part of the consultation, but we also commissioned opinion polls, in both qualitative and quantitative terms. We published the findings at the time, and they showed overwhelming support from parents for making this statutory. I think that if the hon. Gentleman talks to parents and teachers, including head teachers, he will find a widespread consensus that—consistent with a school's ability to make its own decisions about method, content and the parental opt-out—this is the right thing to do, it is probably overdue, and it will help us to reduce the incidence of teenage pregnancies and encourage a culture of mutual respect among our young people.

Mr. Graham Allen (Nottingham, North) (Lab): May I urge my right hon. Friend to avoid another trap? Will he ensure that discussion of the teaching of social and emotional behaviour, which is fundamental to all learning at primary and secondary level, is not narrowed to one tiny sliver of the argument about SRE, and that the Government's life skills package, which is widely supported throughout the House, is seen in perspective? It seems that one or two of our more exuberant colleagues want to discuss only one tiny aspect of that broad package.

Ed Balls: I agree with my hon. Friend, and wish him a very happy birthday. The fact that the hon. Member for Shipley (Philip Davies) almost certainly calls such classes "happy classes", and opposes them, contrasts starkly with what I believe to be the general view—that this is a very important part of our school system. Through sex and relationship education, through financial education and, more widely, through SEAL—social and emotional aspects of learning—we are teaching our children in primary and secondary schools resilience, character, respect and the ability to make their way in the world with pride and confidence. I think that schools that provide such teaching consider it to be an important part of the curriculum, and it must not be narrowed in the way described by my hon. Friend.

Mr. Denis MacShane (Rotherham) (Lab): I do not think that, in the 12 years of the current Government, it has given me so much pleasure to vote for a Second Reading as it will give me to vote confidently with the Government tonight—in contrast to the Conservatives, whose views on education are striking terror into the heart of every teacher and parent, especially in the poorer parts of Britain.

During the Bill's Committee stage, will my right hon. Friend look particularly at clause 26, on home teaching? There are genuine concerns about that, and my constituent Mr. Mike Dalby has written to me about it. Will my right hon. Friend be prepared to consider the clause flexibly so that we can get it absolutely right?

Ed Balls: It is important that we discuss the details of the home education provisions, and I shall say something about them in a moment. It is great to have my right hon. Friend's support for our Bill. It would be very nice to have a cross-party consensus in favour of it, but unfortunately it seems that although guaranteeing one-to-one catch-up tuition for children who fall behind is a priority for our party, it is not a priority for the Opposition parties.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): Will the Secretary of State give way?

Ed Balls: I will take one more intervention, but then I must move on.

Daniel Kawczynski: The biggest problem is the huge difference in funding across the United Kingdom. The average Shropshire child receives about £3,300 per annum for his or her education, whereas in other parts of the country the figure can be as high as £9,000, £10,000 or £11,000. What is there in the Bill to redress that huge difference in funding levels?

Ed Balls: As the hon. Gentleman will know, we are currently conducting a review of the schools funding formula, and I hope that the subsequent report will enable us to make some progress in making the system fairer. Let me also point out that it is the hon. Gentleman's party, not our party, that is proposing a cut in the schools budget in 2010-11, which will only lead to greater unfairness.

I know that people in Shropshire, which contains the hon. Gentleman's constituency, are waiting for Building Schools for the Future to produce school building plans in wave 7. As the Chancellor announced in the pre-Budget report, we shall be proceeding with wave 7 in the coming months. It is the hon. Gentleman's party that has promised to cut £4.5 billion from the school building programme, which in his constituency would put 22 potential new building projects at risk. That is something about which he may wish to speak to his party's Front Benchers before raising the issue of schools funding with me in future.

Michael Gove (Surrey Heath) (Con): The Secretary of State says that the schools budget will increase if the Labour Government are re-elected. For the sake of clarity, will he explain precisely what that means in the context of the overall DCSF budget? Does it mean only the dedicated schools grant, or does it also include the school standards grant and school development grant? Does it, perhaps, include the standards fund, too, and all the Partnerships for Schools school capital spending? Does it include the Training and Development Agency for Schools budget for teachers, and the National College for Leadership of Schools and Children's Services budget? Will the Secretary of State make it clear which budget lines will receive an increase, and by how much?

Ed Balls: I am happy to do so, because this was all set out at the time of the pre-Budget report. In 2010-11, our schools budget will rise as set out in the spending review, plus we will provide the additional money for the September guarantee for school leavers—we will provide that, but the hon. Gentleman, despite 12 chances to match that school leavers guarantee, will not do so.

In 2011-12 and 2012-13, the schools budget will rise by 0.7 per cent. a year in real terms; that means all the money, including for one-to-one tuition, that goes directly

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to schools. The combination of that and efficiency savings mean that we can meet the guarantees we set out in this Bill.

Michael Gove: Does that include money for the training and development of new teachers? Does it also include money for the training of head teachers, and does it specifically include capital funding for new schools?

Ed Balls: The hon. Gentleman knows that it does not include capital funding for schools, because the PBR set out a settlement of the current budget, and the current budget does not, by definition, include capital. He will also know, however, that the Chancellor announced that we will go forward with a further wave—wave 7—of Building Schools for the Future bids in the spring; the hon. Gentleman's party is committed to a £4.5 billion cut, but we are committed to continuing with the BSF programme. I also just said that all the budgets that go directly to schools have been guaranteed a 0.7 per cent. rise. That includes one-to-one tuition, but, at this stage, it does not include money going to non-departmental public bodies. This was all set out at the time of the PBR, so the hon. Gentleman has had the chance to ask me questions about it in the past—

Michael Gove: Will the Secretary of State give way?

Ed Balls: No; if I may be allowed to do so, I shall finish my points before the hon. Gentleman stands up again.

I am raising the schools budget in 2011-12 and 2012-13, with the agreement of the Chancellor. The hon. Gentleman proposes to cut the schools budget in 2010-11, however; the reason is that the shadow Chancellor has told him he has got to do so. Despite regular attempts in the House to wriggle out of this, the fact is that, unlike the Conservatives' health budget, under the hon. Gentleman's watch the education budget is set to be cut.

Michael Gove: Can the Secretary of State confirm that spending on initial teacher training in schools will increase, and spending on—*[Interruption.]* No, it is the Secretary of State who is wriggling. Can he also confirm that spending on head teacher training will increase—spending, for example, on ensuring that heads who become national leaders of education can do their job—or will that be cut?

Ed Balls: I have just answered those questions. The problem with the hon. Gentleman is that, like the Leader of the Opposition, he writes his speeches and questions in advance, which means he never listens to the answers. What I said was that all the money that goes directly to schools is rising in real terms. The money that is going to agencies has not at this point been settled. So the money that is going to the TDA has not been settled—that is absolutely clear—but the money going to schools will rise this year, next year and the year after if this Government are re-elected, whereas it will be cut from next April if the hon. Gentleman's party is elected.

Michael Gove: Will the Secretary of State give way again?

Mr. Allen: On a point of order, Mr. Deputy Speaker. Many Back Benchers wish to speak in this debate. Given that Front Benchers will get a lot of time to make their points—even if they wish to make the same point five times—is it possible to take time off Front Benchers' speeches if they constantly interrupt at the expense of Back-Bench time?

Mr. Deputy Speaker (Sir Michael Lord): I am sure the hon. Gentleman realises that I am not in a position to rule on that matter at this point in time, but I hope that contributors from both Front Benches will confine their remarks to the Bill before the House, and also be very aware that a lot of Back Benchers wish to speak and they should be given every opportunity to do so.

Ed Balls: The fact is that a world-class education system depends on guaranteeing excellence for all, not just for some. What we have set out in this Bill are new pupil guarantees. We have set out clear entitlements to a broad and balanced curriculum for every pupil and to a place in education or training for all 16 and 17-year-olds who want one, and a route to high quality qualifications irrespective of whether someone's strengths are practical, academic or both, with standards guaranteed by our new, independent standards regulator, Ofqual.

Liz Blackman (Erewash) (Lab): Can my right hon. Friend assure me that data will be collected on all children on the autistic spectrum by every local authority so that service delivery and strategic planning become much more effective?

Ed Balls: I can give my hon. Friend that assurance. As she knows, the schools census collects data on children with statements and on school action plus and they show that as of January 2009 there were 51,200 pupils on the autistic spectrum. In addition, the Special Educational Needs (Information) Act 2008, which came into effect in January, is giving us more information about the characteristics of those pupils, their attainment and the progress that they make. We first published those statistics in October, they include children on the autistic spectrum and we will continue to ensure that we prioritise those children, as we showed in the Lamb review. I should say to my hon. Friend that the leadership that she has shown on these matters has been hugely important in raising opportunity and standards for children in our country who have a special educational need.

The fact is that 100,000 more children are now leaving primary school secure in English and 100,000 more are secure in maths compared with 1997. However, a world-class education system demands that no child's progress is allowed to stall or be held back. We know that many children, at certain points of their school life, benefit from short bursts of tailored, individual support alongside effective class teaching. Personal tuition must not just be the preserve of those who can afford it, so our pupil guarantee will entitle to catch-up support any child who falls behind in reading or writing or maths during primary school—in key stage 1 or in key stage 2—and any young person who starts secondary school behind expectations, with all looked-after children also automatically receiving one-to-one tuition so that they develop the basic skills they need. These guarantees of one-to-one catch-up support can be delivered only by the rising real-terms budgets for the schools system set out in the pre-Budget report.

Mr. Purchase: This is at the heart of the Bill; the most important reform that the Secretary of State is introducing is the possibility of one-to-one tuition, catch-up support and so on. What guarantees can he give us that middle-class parents will not "snaffle"—I use that term for want of a better word—all those resources because they have the loudest voices and the best understanding and will demand that tuition for their children, perhaps at the expense of children who have less articulate parents and who probably need that tuition even more?

Ed Balls: The guarantees are in the Bill; we will set out in law for the very first time such guarantees to pupils and to parents. Any child who is not making progress at key stage 1 will be entitled to extra support, and the school will have to write a letter to the parent setting out what it will do. Any child who is not making progress in key stage 2 will be guaranteed one-to-one tuition, and we will be offering 300,000 places for maths and for literacy from next April to deliver that one-to-one guarantee. Thirdly, any child who does the key stage 2 tests at the age of 11 and does not get to level 4 will automatically receive one-to-one tuition in year 7—in the first year of secondary school—and do a test at the end of that year. The results will not be made public, but they will be reported to parents, so that they know whether their child is catching up. Thus, this does not depend upon the parent asking for the support; the support is guaranteed to the child on the basis of the teacher's assessment. This is what has been available for children in private schools for many years. For the first time, because of our investment and our reform, we will guarantee the same individual attention and catch-up support to parents—of whatever class and of whatever income—in our state school system. The only test is whether a child has fallen behind and needs extra help—if they have, they will get it.

Mr. David Laws (Yeovil) (LD): The Secretary of State has just said that these are guarantees that can be relied upon and he also promised one-to-one tuition. Does he agree that what is being promised is not one-to-one tuition, because it is to be provided either one to one or in small groups?

Ed Balls: It partly depends on the judgment of the teachers. I would have thought that the hon. Gentleman would be willing to join me in wanting to back the professional judgment of teachers and head teachers. At key stage 2, for years 3, 4, 5 and 6, a child who is not making progress is guaranteed one-to-one tuition. At key stage 1, they are guaranteed extra support, which could mean one-to-one tuition, small-group tuition or moving at a different pace through key stage 1 —*[Interruption.]* If the hon. Gentleman will let me make the point rather than shouting at me, I shall try to answer him.

At key stage 1, there will be one-to-one or small group tuition, or what the teacher decides, and in year 7, too, there will be one-to-one or small group tuition depending on what is needed. The test is whether the support means that the child makes progress and the cost is that it has to be paid for in order to be delivered. If we are willing to put the investment in, we can see all children make progress. If we are not willing to make the investment—we heard earlier that the Opposition will cut spending in 2010-11—some children will still make progress, but not all children will. That is the difference.

We will also be legislating in our Bill to introduce a new school report card that will specifically report on provision for pupils with special educational needs alongside attainment, satisfaction and discipline. We will extend the inspection remit of Ofsted to include provision for pupils with special educational needs and we will provide parents of children with special educational needs with a new right to appeal if their child's statement is not amended at annual review. Of those children who do not get to level 4 now—100,000 fewer than in 1997—two thirds have a special educational need, which is twice the level of the whole population. In my view, putting the needs of children with special needs at the centre of our education system is not peripheral but the only way to keep raising standards in our schools.

Rob Marris (Wolverhampton, South-West) (Lab): Echoing the point made by my hon. Friend the Member for Wolverhampton, North-East (Mr. Purchase), there is a problem in many areas of the country, including Wolverhampton, as children with special educational needs wait months to get statemented. My right hon. Friend the Secretary of State is absolutely right to talk about such needs being central and about the inspection and so on, which will consider what is happening to those children who have been statemented. However, what is he doing to try to speed up the statementing process to begin with?

Ed Balls: Just before Christmas, Brian Lamb's review considered the detail of all those issues. To strengthen the inspection is very important, as is giving parents the right to appeal, but the fact is that there is great variability around the country. In some parts of the country, things are done in a speedy and timely way, but the needs of children and their parents are not always being put first. We need to shine the spotlight of scrutiny on to children with special educational needs and to ensure that they get the extra support that they need. We will train 4,000 more dyslexia-trained teachers in the coming year to ensure that the needs of a child with dyslexia are spotted early and that they get the extra help so that they can make progress. Those 4,000 extra dyslexia-trained teachers cannot be trained if the budget is to be cut in 2010-11, which is what the Opposition propose.

Mr. Robert Goodwill (Scarborough and Whitby) (Con): The Secretary of State is aware of the battle that many parents have to go through to get their children statemented—a battle that middle-class articulate parents often succeed in. Does he agree that one of the biggest problems is that when people move around the country they have to commence that battle again? That is particularly a problem for those in the armed services who will be moved from Catterick to Cheltenham to Colchester to wherever else, which means that they are perpetually engaged in this fight.

Ed Balls: That is an important point. Children who move around the country are always potentially more vulnerable and that is why I think that the ContactPoint

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database will be very helpful in ensuring that those children do not fall through the cracks. For children in armed forces families who move a great deal, this is a particular issue. We have now opened the new Wellington academy in Wellington, which I hope will become a centre of excellence not just in that part of the south-west but across the country for meeting the needs of the children of armed forces personnel families—especially, in that case, non-commissioned officers' families and forces families. I hope that that will be one issue in which the academy will become expert. The hon. Gentleman's point is well taken and was highlighted by the Lamb review.

Mr. Jim Cunningham (Coventry, South) (Lab): Will my right hon. Friend come on to an issue on which many hon. Members have been lobbying? I am sure that he is well aware of the issues to do with education at home and allegations have been made that the Select Committee's report has not been taken seriously. Will he deal with those issues?

Ed Balls: I will deal with those issues in a moment. Before I do, let me address the issue of guarantees, which are clear and are laid out for pupils and parents. In the vast majority of cases, the guarantees, which we have published details about today, are a summary of provisions under the existing legislation. In a small number of cases—in relation to one-to-one tuition, a choice of sciences, strength in home-school agreements and the entitlement to online reporting to parents—the guarantees are new and are being set out in legislation. We would expect the vast majority of head teachers and teachers to be delivering the guarantees already. If issues arise, in the vast majority of cases they will be sorted out by schools, but in a small minority of cases, as a last resort, there will be a right of redress through the local government ombudsman. There will also be a right of redress for pupils in academies through the Young People's Learning Agency.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op) *rose*—

Ed Balls: I was going to discuss home education, but I am happy to give way to my hon. Friend.

Mr. Sheerman: Before the Secretary of State moves on from special educational needs, may I congratulate him on that part of the Bill? He will remember that the Select Committee's report on SEN led to the Lamb report, and we are pleased with all that is happening in that regard. Does he remember that it was the patchwork nature of delivery on SEN that was at the heart of the problem and the injustice that parents felt?

Ed Balls: My hon. Friend makes a good point. The Select Committee's reports of the past two, three or four years on these matters have been very important. He will know that, as part of the Lamb work, we are considering whether arm's length statementing from local authorities will be a good idea. However, I must say that the Lamb review was more concerned about information flows to parents and the quality of advice than about independence, and we are now testing out that issue. I think that there is a broader point to make: children with SEN have tended to be on the periphery, and it has tended to be the parents who shouted the loudest who have received support. Many parents have felt deeply frustrated that they could not get support without banging on the door and making a great fuss. That is fundamentally unfair, because it is not right that those who shout the loudest should get the support, or that one should have to shout loud to get support. If the Lamb review is properly implemented and properly resourced, it could make a massive difference to children with SEN. I hope that the Select Committee will pay close attention to how we implement it, because its impetus to progress has been very important in this matter.

Mrs. Ann Cryer (Keighley) (Lab): Will my right hon. Friend consider accepting a new clause in the Bill to limit the defence of reasonable punishment, as it exists in section 58 of the Children Act 2004, to those with parental responsibility? It should not extend to teachers in madrassahs or in other religious schools. I mention that at this point because the children who are being ill-treated in such schools are often those with special needs.

Ed Balls: I hear my hon. Friend's point, and I know that she has expertise in this matter. We have dealt with some particular cases in the past year or two. The [illegible]nt point to make is that there is not one rule for a [illegible] in a madrassah and another for a child in a school or in any other circumstance. The use of physical punishment against any child is wrong; it is outside the law and is not fair to children. I do not think that we should tolerate any use of physical punishment in any school or learning setting in which trusted adults are supposed to be looking after children, not abusing them.

On home education, I know that this issue will be debated in detail in Committee. The vast majority of home educating parents provide a good education for their children, and I am fully committed to the principle that parents who choose to home educate should be able to do so. It is parents, rather than the state, who are in charge of taking the ultimate decision on how their children are educated. We think that about 70,000 children are being home educated—often for a variety of reasons and often to a very high standard by committed parents. Our responsibility is to ensure that not just a large majority, but all of the children who are being home educated are safe and are learning properly. It was because of concerns that had been raised that I asked Mr. Graham Badman to do his review, which reported in the summer. Following consultation, the Bill makes some changes to his recommendations, but accepts the general core principles of his review. The first is that, as a matter of principle, parents should be allowed to home educate. The second is that they need more support, financial and otherwise, to be able to do so. That may mean catch-up, one-to-one tuition for children who need it, or support regarding the cost of exam fees.

It is important that we make sure that we know that all children are safe and are being properly educated. That is why the Bill introduces a new registration scheme for home educators, with a duty on local authorities to identify all home-educated children and to ensure that they are receiving a suitable education. That is vital to make sure that all home-educated children are safe and are making progress. It is wrong to see that as an attack on home education, and those people who try to represent it as an attack on home education in principle are wrong. On that basis, I have to say that I agree with the vast majority of the recommendations and sentiments set out in the Children, Schools and Families Committee report on home education.

Mr. Graham Stuart (Beverley and Holderness) (Con): Should not help be offered, not forced on families? If the Secretary of State is so enthusiastic about the Select Committee's report, why not adopt a voluntary scheme? Why not increase support for families, without alienating and antagonising the entire home education community, among whom he will find precious few people who support the draconian proposals in the Bill?

Ed Balls: I do think that we should offer support, rather than impose it. In our response to the Badman report, we will offer extensive support to home-educating parents, which they can choose to take up.

Let me quote the Select Committee:

> "In our view it is unacceptable that local authorities do not know accurately how many children of school age in their area are in school, are being home educated or are otherwise not in school."

I completely agree with that, but it is not possible for local authorities to know that information unless they know where all the children are and whether they are being home educated. I also agree with the Select Committee when it says:

> "We believe that registration would encourage local authorities and home educators to recognise that it is to their mutual advantage to have a clear record of children who are being…educated."

The Select Committee also says:

> "the wider evidence that we received illustrated the potential value of the requirement for annual meetings between home educating families and local authority officers for the purpose of supporting home education provision. We believe that local authorities need a guaranteed means of engaging with these families."

It is vital that people in local authorities are properly trained. The Bill makes it clear that there is no right for a local authority to see the child of a home-educating family on their own, without the parents there. There is no such right in the Bill.

I say to the hon. Member for Beverley and Holderness (Mr. Stuart), who is a member of the Select Committee, that it is not possible for local authorities to know where the children are, and that they are safe and learning, if they do not know how many there are, and which homes they are in. We cannot know that without a registration scheme.

Mr. Mark Field (Cities of London and Westminster) (Con): Does the Secretary of State not understand that the hyper-mobility and hyper-diversity in many of our cities means that it is very difficult to have a register of the exact number of children at any one time? To go back to his previous point, he made it absolutely clear that home educators—he believes that there are 70,000 of them, but I think that there are actually rather more than that—provide education at home for a variety of reasons. Does he not see that the Badman report effectively takes a one-size-fits-all approach, which is directly opposed to the fact that there is a whole variety of different reasons why home educators keep their children at home and educate them there?

Ed Balls: I hear the point that the hon. Gentleman makes, but with respect, I do not agree at all. The Badman report sets out the range of reasons why children might be home educated. In some cases, that is because it is the philosophical view of the parents that they do not want their children to be educated in a school, in a class with other children. Often, children are home educated because of problems that have arisen due to a temporary lack of places, or for reasons to do with bullying or a special educational need, which means that things have broken down. There is a wide range of provision. We should not have a one-size-fits-all policy; I completely agree.

The only obligation in the Bill—it does not say what home-educated children are to learn, or set out detailed content—is to make sure that children are safe and are learning. That is what the Badman report recommends and what the Bill does. If the hon. Gentleman looks at the detail, and does not listen to the hyperbolic comments made by some Members present—that is opposed to the sensibleness of most of the views in the Select Committee report—he will see that the diversity of the home education community is being properly respected.

Mr. David Chaytor (Bury, North) (Lab): Is not the point that we have had a voluntary scheme for years and years? Anyone has been able to register and make themselves known to their local authority if they want to, but the majority have not. For those who argue for the importance of voluntary scheme, we have had one, but it has not worked. That is why we are in such a mess now: we have no idea about the quality of education of thousands of children.

Ed Balls: These would be interesting debates for the Committee, and it would be dangerous to allow the Select Committee to repeat its internal debates on the Floor of the House at this point. But the fact is that a voluntary registration system only takes us so far; it does not deliver the conclusion of the Select Committee's report: local authorities should know where those children are. In the vast majority of cases, home-educating parents will want to co-operate fully—this will be very light touch indeed—but in the small minority of cases where things go wrong, there is a balance to be struck between the rights of the parent and the rights of the child, and we must ensure as a society that children are safe and are learning. We should not have one rule for children in schools, where we have a duty to ensure that they are safe and are learning, and another rule for children who are home-educated, which is that if their parents do not want to tell, no one is obliged to find out; that would not be the right approach.

Kate Hoey (Vauxhall) (Lab): Would not some of the problems with non-registration be helped by the rolling out of ContactPoint across the country in September? When the Secretary of State talks about registration, he also talks about the safety of the child. Would he like to define the difference? If such registration happens, should it not be about the education of the child? Is that not where the real problem lies? People fear local authority bureaucrats, many of whom they would not want to look after their children, coming into their homes and telling them what to do about something they know nothing about.

Ed Balls: I understand my hon. Friend's point. It is really important to get that right in training and guidance. A local authority currently, before the Bill becomes an Act, has a right in law to see a child if it fears that there is a child well-being, safety or child protection issue. That right already exists, including for home-educated children. The issue is whether they are being educated and whether they are learning. There is no right in the Bill for a local authority to go in, demand a visit and see children on their own. The vast majority of parents would be happy to let that happen, but if they choose not to do so, that is a choice for them. The local authority then has an obligation to ensure that those children are safe and are learning, and consequences will then follow from that. But the right to go in and demand a meeting will not exist for education purposes under the Bill.

Mr. Sheerman *rose—*

Ed Balls: I will give way to my hon. Friend, with your permission, Mr. Deputy Speaker. He has made one intervention already, but he is the Chairman of the Select Committee and his Committee's views have been extensively debated.

Mr. Sheerman: I am grateful for all the publicity of the Select Committee's report. Does my right hon. Friend agree that one problem that the Select Committee found when we discussed this in great depth—it will be discussed seriously again in Committee—is that the Government propose a compulsory register with no penalties? We thought, "Why not try it for two years on a voluntary basis? If that does not work, we move to a system even with penalties."

Ed Balls: I understand my hon. Friend's point, although adding penalties would further inflame the minority of home educators who do not like the current provisions in the Bill. I do not want to air further the debates about voluntary or compulsory systems; we should discuss them in Committee.

The National Society for the Prevention of Cruelty to Children said in its briefing for today's debate:

> "We support the recommendations in Clause 26 and Schedule 1 of the Bill to establish a registration scheme for children who are educated at home in England. However, it is important that workers who undertake home visits receive specialist training to identify possible signs of child abuse or neglect."

The NSPCC is right: we need specialist training, but it is right to have a registration scheme. With your permission, Mr. Deputy Speaker, I will move on and we can debate those things further in Committee.

The basis of a world-class education system is also a world-class work force. We now have more than 40,000 more teachers than in 1997, supported by more than 180,000 more teaching assistants. The Bill builds on our commitment to a masters-level profession by introducing a new licence to practise similar to other high-status professionals, such as doctors and lawyers.

We also want to ensure that head teachers and teachers have the powers and the support that they need to tackle bad behaviour.

That is why the Bill will also strengthen home-school agreements, so that pupils, parents and schools all fulfil their responsibilities.

It is important—this will be extensively discussed in Committee—that the Bill continues the process of improving confidence in family courts by opening up proceedings in a careful and staged way, with a clear sunset clause and review before we potentially move to any further opening up beyond the first stage provisions in the Bill, while ensuring that vulnerable children are safeguarded.

Mr. Edward Timpson (Crewe and Nantwich) (Con): The Secretary of State spoke earlier about the NSPCC's support for his plans for home education. Does he accept that the NSPCC has reservations about his plans for opening up the family courts, and that he ought to listen to it on that point as well?

Ed Balls: Again, it is not possible for us all to agree at all times with every stakeholder who has a view on these matters. The NSPCC, the National Children's Bureau and others have concerns about opening up the family courts and have made those concerns clear. On the other hand, many people think opening up the family courts is important for our democracy and for the stability and fairness of the courts' proceedings. We are trying to strike a balance. That is why we will not move further without a clear sunset clause and review provisions.

I hope the issues will be extensively debated in Committee. These are Ministry of Justice clauses and it is the expert in these matters, although we have discussed them in detail because we have a joint responsibility for family policy. We are taking matters forward in a steady and sequenced way, mindful at all times not to put children, particularly vulnerable children, in positions where their welfare might be undermined. I think we are getting the balance right, but it is a topic that we will discuss in Committee. Given the hon. Gentleman's knowledge on these matters and commitment to child welfare, perhaps he will be on the Committee and be able to participate in those debates.

John Hemming (Birmingham, Yardley) (LD) *rose—*

Ed Balls: I will give way one more time.

John Hemming: I thank the Secretary of State for giving way on this point about accountability and transparency in the family courts. I congratulate the Government on upsetting those on both sides of the debate—the Newspaper Society, by trying to gag people, and the NSPCC with their other proposals. Will the right hon. Gentleman review the detailed proposals in the light of all the representations being made? It is clear that there is little support for the details of the Government's proposals.

Ed Balls: Upsetting those on both sides of an argument is often the best way to get to the right outcome. I hear the hon. Gentleman's point. This is a Second Reading debate. The purpose of the Committee is to allow such scrutiny of the provisions, and I am sure the scrutiny will be robust and thorough, as always. Hopefully, it will not involve an all-night sitting this time, as on our Bill in the previous Session, and we will be able to move forward consensually.

Mr. Graham Stuart: Will the Secretary of State give way?

Ed Balls: No, I will not.

A world-class education system is only now within our grasp because of the progress that we have made in school improvement. In 1997, more than half of our schools—over 1,600—were not getting to the basic benchmark of 30 per cent. of pupils achieving five good GCSEs, including English and maths. That has come down not just to one in two schools, but to one in 12 schools—from 1,600 schools to just 270. Because of the work that we are doing with schools and local authorities around the country, in our national challenge and academies programme, our aim is to get that number down to zero by 2011.

The Bill takes further steps that will help us to back school leadership and school improvement, by making the process of establishing an academy easier, by reducing bureaucracy so that, like colleges, universities and voluntary aided schools, all academies are guaranteed charitable status, and by strengthening collaboration between schools by updating the role of school improvement partners and through new accredited education providers, which will include academies, state schools, universities and FE colleges as well. We are consulting on those provisions.

Tom Levitt (High Peak) (Lab): I am grateful to my right hon. Friend for giving way. I am not opposed to any school having charitable status, whether it be independent, state, academy or whatever—the recent debate about public benefit and charities has been helpful in that respect—but why is he bringing back the status of exempt charities for academies, especially as the Charities Act 2006 effectively brought that status to an end?

Ed Balls: The reason why is that we now have a large number of academies, with the figure heading towards 400, and the separate and independent regulation of each academy would be bureaucratic for academy sponsors, for accredited schools groups and for the school system. Some 7,000 voluntary aided faith schools are exempt from the 2006 Act, and so are many further education providers and universities. It is clear to me that a school, funded by the taxpayer to provide free education to pupils, is charitable in its purposes, and such institutions will be regulated by the Young People's Learning Agency—something that the Minister with responsibility for the third sector, my right hon. Friend the Member for Basildon (Angela E. Smith), is proposing if the Bill is enacted.

I know that there are concerns within the Charity Commission about the measure's wider ramifications, but, seen as an education policy, this legislation represents a sensible piece of deregulation and a reduction in bureaucracy. It will make the system much simpler and more streamlined, without every school having to go through a separate check when the issue is absolutely clear.

In law, it is also clear that the academy sponsor has to be charitable in its standing. So, the academy sponsor will have to be charitable, and the purpose will have to be free education for children. Such institutions are clearly charities, and it is much more sensible to undertake the process in a streamlined, class-based way, as we do with foundation schools, rather than school by school. The school-by-school approach was fine when we had 20 or 30 academies, but—the hon. Member for Surrey Heath (Michael Gove) will not like this—given the pace at which I have accelerated the academies programme, the Bill represents an important but sensible piece of deregulation.

Mr. Purchase: On the point about the ability to run chains of schools, which the Secretary of State has been promoting, I must note that one such chain has been debarred from taking on any more schools. Does he therefore accept that there ought at least to be a default position whereby local authorities can take over an entire chain and re-establish a proper educational approach to such schools? Does he not think that, even at this point, it would be wise to give local authorities the same freedom as universities and other colleges to run an education policy for the schools in their district?

Ed Balls: I understand my hon. Friend's point, but I do not fully agree, because the 2006 Act, which I support and am implementing, was a good piece of legislation that split the commissioning role of the local authority from the providing role of schools. More than 50 universities now sponsor academies, and through our academies, through the accreditation of our best schools and through our universities, we are trying to establish in the state school system good providers who can take on wider responsibilities. The local authority's responsibility is to ensure that when there is a problem, it brings in outside support to make such action happen.

We do two different things in the Bill: first, we give local authorities the duty to survey parents' views on local schools to see whether there is dissatisfaction and, if there is, to take action; and, secondly, we give local authorities a duty to act if they are concerned about a school, by issuing a warning notice to a school, with the Secretary of State having the power to direct a local authority to consider that point if it does not take its responsibilities seriously.

Mr. Chaytor: Before the Secretary of State leaves parental satisfaction surveys, I must note that the Bill describes how their results will have to demonstrate "material parental dissatisfaction". Will he give us an example of that? What threshold will have to be passed before a local authority is required to produce a survey response plan ?

Ed Balls: We should discuss in Committee and subsequently the details of how we operate the measure. An example might be too much homogeneity in a local area, or too much diversity and an insufficient number of good local schools. The important thing is to ensure that local authorities listen to the views of parents and see what is being done to raise standards. That is what most local authorities do already, and it is a way of ensuring that we are clearly aware of what is going on with children and their learning.

Rob Marris: In response to my hon. Friend the Member for High Peak (Tom Levitt), the Secretary of State said, in terms, that it did not make sense to have academies applying school by school, and therefore there would be an exemption on the public benefit for charitable status. Why, therefore, is it the Government's position to have academies negotiating, school by school, terms and conditions for their staff rather than going on national agreements? If we want a national system for charitable status, which I understand, why do we not have a national system for pay and conditions in academies?

Ed Balls: That is because some academies are innovating in the way that they organise the school term and the school day, and how they provide their provision. All the information that I have shows that academies are more than delivering on the national agreement on terms and conditions of staff. I have said regularly that if there were clear evidence that they were not doing so, I would be willing to look at it, but so far none has been provided to me. Those flexibilities on the curriculum and on terms and conditions have been an important part of the success of the academies movement, and there is widespread support for them.

Mr. Sheerman: Will the Secretary of State give way?

Ed Balls: Once more.

Mr. Sheerman: It is an important point; the Secretary of State will know that Back Benchers can intervene as many times as they like if he is gracious enough to give way. A very important part of the Bill deals with the licence to practise as a teacher. Having listened intently to his speech, I do not think that he covered that in any detail. Was that on purpose, or has he missed it by mistake?

Ed Balls: I said a moment ago that we would legislate for a licence to practise that would give teachers the same professional standing that there is for doctors and lawyers. We are discussing with teachers and head teachers the details of how that will operate, and the Bill provides a framework power to introduce it. It is essential to ensure not only that we match professional development and support for teachers with a light-touch way of operating it for the vast majority, but that we are clear that where there is underperformance there is an obligation on the school to ensure that bad teaching is addressed. We are starting to introduce the licence to practise in September with newly qualified teachers and returning teachers who have been out of the profession for some time. Our aim, over time, is for it to apply to all qualified teachers. Some people have expressed concerns—on one side of the argument, that it will be too heavy-handed and therefore make life difficult for teachers, and on the other that it will be too light touch and will not ensure that there is sufficient action in the small minority of cases where teaching is substandard. We need to get the balance right. We will have to discuss that in detail, and the views of the Children, Schools and Families Committee would be very welcome.

There is an alternative vision, some of which we heard about earlier in the regular interventions by the shadow schools spokesman, and which stretches across several different areas of the Bill. On catch-up support, there is a refusal to match our guarantees to primary school and year 7 pupils. On qualifications and the curriculum, there is a commitment to scrapping the national curriculum. On teachers and head teachers, there is a promise to end key stage 2 tests and to break promises on pay and conditions. On school improvements, there is a policy of removing the role of local authorities and expecting parents to have the time and know-how to set up their own schools or to get private sector firms to come in to run schools and make profits while allowing other schools to wither or decline, and watching as some young people are relegated to a second-class education.

There is also—we have not heard it yet, but I am sure that we will in the speech by the hon. Member for Surrey Heath—a continuing scepticism about whether the rise in standards that we have seen over the past 10 years is real or is due to the dumbing down of our exams. I say regularly in this House that the introduction of Ofqual, our independent standards regulator, is a very important protection against dumbing down and easier exams, but time after time those claims are refuted—although, as we saw in the Queen's Speech debate on the subject, when I asked the hon. Gentleman a few exam questions on maths and science, he turned out not to know the answers. That is partly because the questions were quite hard. The question is, though, has he done any revision? Should we allow him to do a retake? Very briefly, I have two quick exam questions for him. First, two whole numbers are each between 50 and 70. They multiply—

Mr. Deputy Speaker: Order. The Secretary of State has been speaking for nearly an hour. I appreciate that he has taken a number of interventions, and this is a debate after all, but I am not sure that what he is now asking is very relevant to the Bill before us.

Ed Balls: It is relevant to the debate about whether standards are rising or falling, but I am happy to return to the matter at another time. I have been waiting for the hon. Gentleman to call an Opposition day debate on education for the past two years, and since the first three months, when we had two, we have not had a single one. It is frustrating that I almost never get a chance to ask him any of these questions in the House.

I conclude by considering statements that have been made about education visions in recent years. There is a debate about whether we should drive school standards up and tackle underperforming schools by stepping in with extra support and extra powers in the national challenge programme, as we are, or whether we should stand back and have what is called the Swedish model. That allows a more market-based approach, and the Opposition advocate it. It is important that we debate those different approaches in considering the Bill.

We were told two years ago that, according to the shadow Secretary of State:

> "If we had Swedish-style reforms there is every reason to believe that we would have up to 3,000 new schools".

Two weeks later he went further, saying that up to 5,000 new private schools would be funded by the taxpayer under his plans. However, last June *The Sunday Times* reported that senior Opposition figures thought the policy was unworkable and that the shadow Secretary of State's claim of 3,000 new schools was "totally unrealistic". In fact, in the—*[Interruption.]*

Mr. Deputy Speaker: Order. I am sure that the Secretary of State can reassure the House about where the building of schools appears in the Bill.

Ed Balls: The point is that there are two different approaches to driving school improvement. We can do it either through the mechanisms and powers set out in the Bill or through a free market free-for-all, abolishing powers and, as we heard in the Queen's Speech debate, bringing in companies that are encouraged to be profit-making and drive the system in a different direction.

Lindsay Roy (Glenrothes) (Lab): I assume that the Secretary of State is also interested in profit-making in schools, but profit-making in terms of the "so what" factor—the added value, dividends and benefits that come to youngsters through their experience, and the added professional development of teachers.

Ed Balls: My hon. Friend is completely right. That is the difference. Do we have a market-based mechanism, with some schools withering on the vine while others expand, or do we drive school improvement by the measures in the Bill? It contains clear guarantees to parents and pupils, a decent licence to practise so that professional standards are maintained, and more power and independence for head teachers to drive up standards in their schools, backed by the active support of parents in home-school agreements. That is what we have set out in the Bill.

It will not be possible to deliver the guarantees and reforms in the Bill unless the money is available to pay for them. I made it clear in response to interventions at the beginning of my speech that with me, school spending would rise this year, next year and the year after, but that with the Opposition, it would be cut next year, the year after and the year after that. As the shadow Chancellor has made clear, their priority is not school spending or one-to-one catch-up support but an inheritance tax cut for 3,000 of the richest millionaires. That is the choice. Our vision in the Bill is a world-class education system with excellence and opportunity for all, not just some. That is the choice, and that is what the Bill guarantees, and I commend the Bill to the House.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. Before I call the next hon. Member to speak, I remind the House that Mr. Speaker has selected the amendment standing in the name of the Liberal Democrats.

5.19 pm

Michael Gove (Surrey Heath) (Con): May I first associate myself with the comments of the Secretary of State about the former Member for North-West Leicestershire? We all miss him from his accustomed place on the back row of the Government green Benches. He was a good, kind and generous man, a fantastic constituency Member of Parliament, a grammar school boy, who never lost the love of learning—I benefited personally from his wise advice throughout my time in the House. He will be sorely missed and I should like, on behalf of Conservative Members, to associate myself with every word that the Secretary of State said. We would like to send our best wishes to his widow and his four lovely daughters.

May I also associate myself with the Secretary of State's comments about the success of so many providers of information technology in showcasing their wares in our schools and, more broadly, in education in England, Scotland, Northern Ireland and Wales? I am delighted that so many Ministers and individuals from abroad have come to admire what is happening, not only in ICT but more broadly in educational innovation.

I am sorry that we did not have an opportunity to see the Secretary of State play Magnus Magnusson again and demonstrate what a mastermind he is. What a pity it is that other members of the Cabinet are not here to play the quiz that they most enjoy with the Secretary of State and have the opportunity to say, "You are the weakest link."

After the events of last week, may I say what a pleasure it is for all Conservative Members to see the Secretary of State still in his place? We are all delighted that he has enjoyed a high profile in recent days and look forward to his playing an even more prominent role in the campaign ahead—or should that be campaigns? As well as wanting him to play as big a role as possible in the general election campaign, I greatly hope that he will play as big a role as possible in any leadership campaigns that follow it. We assure him of our enthusiastic support.

I suspect that the Bill, whether it is passed or not, will end up being the Secretary of State's monument. Balfour's monument was the Education Act 1902, which established a universal system of local education provision. Rab Butler's monument was the Education Act 1944, which established universal free secondary provision. Lord Baker of Dorking's monument was the Education Reform Act 1988, which gave effect to the principles of parental choice, transparent assessment, diversity in the state system and greater freedom for individual schools. As the Secretary of State's monument, the Bill seeks to establish in law one of his highest priorities—a goal that he pursues with restless zeal; indeed, it is his motivation for being in public office: drawing dividing lines.

Even before he was in the Cabinet, when he was a Back Bencher, doubtless leading the fight against any attempt on the Back Benches to organise against the incumbent leader, he told the *New Statesman* that he wanted to "get back" to dividing lines on education with the Conservatives. That was his highest priority—not helping the poorest, raising standard or supporting professionals, but drawing a dividing line. I do not feel personally affronted by that. The Secretary of State cannot meet anyone outside his immediate family without wanting to draw dividing lines between them. Perhaps he is right and the rest of us—all of us—are wrong. Perhaps he is the Galileo of education policy—uniquely and brilliantly insightful while all around him is mediaeval darkness and error. However, on the Bill, I am happy to be on the other side of the argument. The debate at the heart of the measure is, as the right hon. Gentleman says, about how one drives up standards in schools.

Liz Blackman: It would be helpful to me and others if the hon. Gentleman got on with his argument and started mentioning children.

Michael Gove: My first comments paid tribute to a Member of the House, now departed, who devoted his life to the cause of education. I want to draw a clear picture of the philosophical divide, which governs how children will be educated, between the Secretary of State and Conservative Members.

What is the answer when we consider how to improve education? Is it more and more central prescription, regulation, bureaucracy, avenues for litigation, compliance costs, supervisory audits, paperwork and time spent out of the classroom on administration? That is the Government's way under this Secretary of State. However, perhaps the answer is that it is better to trust professionals more, to support more diversity and greater pluralism,

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and to give parents more choice and schools more freedom—in short, to move in the direction that was set out in Tony Blair's education White Paper of 2005 rather than the White Paper of 2009.

Hilary Armstrong (North-West Durham) (Lab) *rose*—

Michael Gove: Which of those approaches the right hon. Lady supports will be of great interest to me.

Hilary Armstrong: I wonder whether the hon. Gentleman will come back to what will drive up standards in education, which is improving, beyond what we had ever thought possible, the quality of teaching. Will he commit to seeking to ensure, through other measures in the Bill and some that he has suggested, that we attract people from the top 10 per cent. of graduates in this country to the teaching profession?

Michael Gove: I could not agree more with the right hon. Lady—I have often agreed with her arguments and she makes an impeccable argument now. One point that I have consistently made in four of my five most recent speeches is the pressing need to attract and retain more highly talented people in education. I believe that many of the provisions in the Bill, because they bureaucratise the profession rather than trust professionals, will leave many highly gifted and talented people saying, "I do not want to go into a profession where the Secretary of State tells me, to the most minute detail, how I should perform this task, because that robs me of the professional autonomy that I have a right to expect as someone who enjoys the top level of training," to which the right hon. Lady alluded.

I completely agree with the right hon. Lady. The reports produced by McKinsey and others demonstrate that the single most important thing we could do to improve the quality of education is improve teaching quality. The organisations that are most devoted to improving teacher quality, such as Teach First, Teaching Leaders, and Future Leaders, are opposed to the bureaucratisation of our education system under the approach of the current Secretary of State.

Hilary Armstrong *rose*—

Michael Gove: I sense that the right hon. Lady is straining at the bit, so I am happy to allow her to come in.

Hilary Armstrong: Those organisations are not opposed to things such as licensing, because we have to know that teachers in front of classes are actually doing what they should be doing. The reality is that simply saying, "We're not going to have any concern over what is done locally," which is what the hon. Gentleman is doing, would leave teaching to whoever wants to do it and take the quality out. We have to improve the quality, not reduce it.

Michael Gove: The right hon. Lady is presumably unaware of the fact that the Conservatives have consistently argued that we should raise the bar on entry to the teaching profession, and that we should restrict taxpayer funding of postgraduate certificates in education to those who have at least a lower second-class degree, unlike at the moment, when those who have a third can move into teaching. We have also explicitly said that people should not be teaching in primary schools if they have anything less than a grade B pass at GCSE maths and English. Both measures would raise the bar on entry to the teaching profession and ensure that those teaching in our schools are better qualified than they are at the moment.

Teachers in our schools now are better qualified than teachers in the past, and I take this opportunity to underline, and pay tribute to, the quality of the teaching profession.

Mr. Chaytor: Will the Secretary of State give way?

Michael Gove: I think the hon. Gentleman is being a little bit previous and premature—I am not actually the Secretary of State—but I am delighted to give way.

Mr. Chaytor: I am very grateful to the shadow Secretary of State for giving way. If he believes in professional autonomy, why does it remain his policy to tell teachers exactly which method they should use to teach children to read?

Michael Gove: My approach is that there should be no hiding place for schools that fail to teach children to read properly. We all know that evidence points to the success of systematic synthetic phonics, and teachers who wish to follow that method will be supported—I hope—by those on both sides of the House. However, if teachers wish to follow other routes, they should have the freedom to do so—they do so in Steiner and Montessori schools with some measure of success—but the crucial thing is that we would introduce a test to ensure that every child who can is reading by an appropriate age.

Lindsay Roy: Will the hon. Gentleman give way?

Michael Gove: I will not at the moment.

The one consistent complaint I hear when I talk to teachers, heads, governors, academy sponsors, parents, local authorities, and indeed anyone involved in education—it is voiced most loudly by the most successful—is this: "We face too much bureaucracy." Therefore, I approach any attempt to pile additional bureaucracy on the educational system with scepticism. Why? I do so because we know that systems work well when they are built on trust. That is the principle for Cabinet government and the principle for success in any school, and it is also the principle that should animate our entire education system. We know that trust depends on respecting autonomy. We recognise that education depends crucially on great teachers and superb school leaders. We want a culture in education where the craft of teaching is respected and the professional status of heads and teachers is enhanced at every stage. That is why we oppose many of the provisions in the Bill.

I know that the Secretary of State will say that, in opposing the Bill, we are opposing any help of any kind for pupils falling behind, and that we are against all cultural and sporting activity—indeed, that we are for deep and invincible ignorance, while he is for a new age of enlightenment and goodness. It does not matter much what we say or do, because the Secretary of State has his script written anyway.

The Secretary of State has argued that we are in favour of closing Sure Start centres, when we want more people to go to more of them. He has argued that we would abolish key stage 2 tests, when we want more rigour and greater transparency. He has argued that we are against people staying on in education, when it is our goal to raise participation beyond the current level. I am sure that between now and the election we will hear more of the same from the Secretary of State, with his characteristic machismo. However, given the transparently political nature of the Bill, you will forgive me, Mr. Deputy Speaker, if I decline to play the political game, and instead insist on scrutinising what lies before us and say that I am afraid that it does not pass muster.

Lindsay Roy: In what ways does the licence to practise inhibit empowerment and autonomy among staff? Surely it encourages professionals to develop their skills to the full.

Michael Gove: The hon. Gentleman will already be aware, as a distinguished head teacher who did a brilliant job, that new performance management guidelines were introduced before any discussion of the licence to teach. Those guidelines are relatively recent and have met with the approval of all the professional teacher associations, most conspicuously the Association of School and College Leaders, the trade union that speaks for head teachers such as him. The ASCL has pointed out that there is absolutely no need to inaugurate a licence to teach in order to usher in better continuous professional development. Indeed, the National Union of Teachers, the union that represents the greatest number of teachers in our schools, has argued that the continuous professional development of its members is not helped in any way by the licence to teach. Having listened to the professionals on that, I recognise that the hon. Gentleman has a conflict of loyalty, as both a head teacher and a loyal Back Bencher. However, if he is prepared to listen to fellow professionals, rather than to his colleagues who are temporarily in the Whips Office, he will see that none of them has any faith in the licence to teach as a means of improving standards.

Lindsay Roy *rose*—

Michael Gove: Have another go.

Lindsay Roy: With due respect, the hon. Gentleman indicated earlier that the licence to practise inhibited autonomy.

Michael Gove: I merely pointed out that the licence to practise seems to add no benefit. Indeed, the body that will be responsible for policing it if the Bill passes into law, the General Teaching Council, has pointed out exactly the same.

Mr. Mark Field: I was interested to hear the most recent exchange, but perhaps my hon. Friend could tell me precisely how many Glenrothes constituents the hon. Member for Glenrothes (Lindsay Roy) represents on educational matters.

Michael Gove: I think that that was an intervention on me, but I recognise my hon. Friend's point. The hon. Member for Glenrothes (Lindsay Roy) is a Member of the United Kingdom Parliament and he has a perfect right to question me, but my hon. Friend makes a valid point. As the provisions relate specifically to England, and in some respects also to Wales, it is appropriate that we should restrict our comments to those areas. I myself am a proud Scot, but I represent English constituents in this United Kingdom Parliament.

Tom Levitt: I should tell the hon. Gentleman that teaching today is an awful lot better than it was when I was a teacher—and not only a teacher, but an officer in the NUT, when our policy was: "The answer's no. Now what's the question?" We opposed the national curriculum and many of the things that his party introduced during the 1990s. So is the NUT right on everything?

Michael Gove: I applaud the hon. Gentleman's contribution to improving our children's education by retiring as a teacher, leaving the profession and coming into this House. I hope that we will have an opportunity at the next election to allow him to spend more time devoting himself to improving education by whatever means he considers appropriate. [Hon. Members: "He is standing down anyway."] I pay tribute to the hon. Gentleman's many years of distinguished public service and look forward to collaborating with him in whatever role he takes on, in what I hope will be a long and happy retirement.

I want to look at the provisions in the Bill as they affect schools and education, and explain our concerns. I want first to look at the pupil and parent guarantees. The Government want to make it a legal obligation on schools to deliver a range of outcomes, which are spelt out in quite prescriptive detail in the schools White Paper and subsequently revised today. They range from a guarantee of small group tuition for those who have not reached the accepted stage of literacy or numeracy in year 7—the first year of secondary school—to a guarantee of access to high-quality cultural activities for all pupils, with an aspiration, not a guarantee, that that should reach five hours a week for all.

Almost everything suggested in the guarantees is desirable, and, in many cases, good schools are already delivering beyond what is to be demanded, as the Secretary of State acknowledged. However, some of the schools that are doing the most to drive up standards, especially for those in need, have been able to do so by reducing the degree of central prescription and bureaucracy to which they have to pay heed, as the Secretary of State also acknowledged later in his speech. Those schools have not raised standards through submitting to tighter and tighter regulation; quite the opposite.

I am referring, of course, to academy schools. When they were established, they were set free from local bureaucratic control, and from the national curriculum, specifically so that they could attend to the needs of the poorest. That is why we backed them so strongly, and why we are now in the vanguard of the movement calling for an extension of the principles behind their success. The former Minister for Schools and Learners, the right hon. Member for South Dorset (Jim Knight), has argued that academies need to respond innovatively to the huge challenges that they face. He argued that they needed to be outside greater bureaucratic control, because they needed increased flexibility to meet their

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specific challenges. It is by operating outside bureaucratic control that they have raised standards more quickly than other schools—

Mr. Purchase *indicated dissent.*

Michael Gove: The hon. Gentleman will probably be grateful to know that academies have been raising their level of attainment at GCSE at twice the rate of other state schools. Some of the best academies in chains such as the Harris group and ARK have been raising attainment at an even greater rate. In that respect, I am delighted to support Government policy, but I look forward to hearing him attack it.

Mr. Purchase: Of course we can use statistics in this way, but the truth is that those academies that have improved at a faster rate have been matched by the other secondary schools in their boroughs. That shows that there is nothing particularly special about academies.

Michael Gove: That is not entirely true.

Bob Russell (Colchester) (LD): Does the hon. Gentleman feel that the removal of academies from the democratic process is a step forward or a step back? How is it that parents have less say in the running of academies than in the running of state schools?

Michael Gove: I reject that view; I think that those parents have more say. They can vote with their feet, as the Secretary of State pointed out in his Cass lecture last year. Parents have more control over their children's education, and they have more choice, enabling their children to attend a school that more accurately reflects their needs, as a result of academies increasing the diversity of their provision.

Many of these academies—including Mossbourne community academy and Burlington Danes—are able to help students who are falling behind, precisely because they are free to depart from the national curriculum. Both of those schools arrange intensive catch-up work—of the kind that the Secretary of State lauds—throughout year 7, but the only reason that they have been able to do so is that their heads and teachers have pioneered that approach outside the demands that had been placed on them centrally.

Given that professionals have pioneered those innovations, why does the Secretary of State believe that more bureaucracy is always the answer? Is it really right to prescribe everything in such minute, and sometimes conflicting, detail from the centre? Why is it right, as the hon. Member for Yeovil (Mr. Laws) also asked, to insist on one-to-one tuition at key stage 2, for those who are falling behind at primary level, but to accept that small group tuition is sufficient for those in the first year of key stage 3 who are still falling behind at secondary school? Why should not those pupils have an entitlement to one-to-one tuition as well? When the Secretary of State was asked about this earlier, he said that it was a matter of professional judgment. Why is it his judgment that professionals should have that discretion when pupils are falling behind in year 7 but not when they are doing so in years 4, 5 or 6? There might well be an answer to that question—

Mr. Laws: Let's hear it!

Michael Gove: I am grateful to the hon. Gentleman for that intervention. So far, however, answers come there none.

Mr. Purchase: I really wanted to talk about academies, but if we ask that question, we find a great body of education theory and practice that shows that, at an older age, children respond better one to one and that, at a younger age, they often respond better in small groups. That is the theory behind what the Secretary of State is saying.

Michael Gove: If the hon. Gentleman is right, that is the exact opposite of what the Government are proposing. They are proposing one-to-one tuition for younger pupils between the ages of 7 and 11, and small group tuition for the older ones at 12 and 13. Now I would be very interested to hear any case that the Secretary of State or the Minister for Schools and Learners might make in Committee, but no case has been made to explain that distinction.

There is also a guarantee of five hours of high-quality PE and sport, but the guarantee on cultural activity contains only an "aspiration" that there should be five hours of it. Once again, why that distinction? Why guarantee five hours of sport, but have only an aspiration for five hours of cultural activity?

Mr. Laws: The hon. Gentleman is being too generous. The guarantee on sport is only for "access" to five hours, not a proper guarantee of five hours.

Michael Gove: I am grateful to the hon. Gentleman for pointing out how loosely framed this guarantee is. Perhaps it was supposed to be iron-cast or cast iron, but it does not seem to be particularly robust.

There is also a guarantee in the White Paper on out-of-school activities. Schools are supposed to guarantee a list of activities, which

> "may include study support, play/recreation, sport, music clubs, arts and crafts and other special interest clubs, and business and enterprise activities".

Which of those activities in that list have to be offered for the guarantee to be delivered—all or just a proportion of them? What proportion? Is the list exclusive? Are there other after-school activities that, if offered, would count towards the guarantee? Would the scouts count or the boys brigade? I mention them because they are not special-interest but generalist clubs.

The reason I ask about prescription in such detail is that the Secretary of State decided to prescribe in such detail. These are not just vague aspirations that it would be good to have; they are not just expectations that he is laying down as a political hope that he will fund; they are not even matters inspectable by Ofsted, which might lead a school into special measures if they are not provided. They are legal guarantees—far stronger than any of the other obligations placed on schools. If a school breaks this guarantee, it will presumably be breaking the law.

We need precision, which is wholly absent from anything the Secretary of State has provided, in order to ensure that head teachers and people who work in schools and local authorities do not live in fear of litigation. If schools do not provide all these services, they can be taken to the local government ombudsman and if things are not resolved satisfactorily, they could end up in court. Is it really the best use of a head teacher's time to seek to ensure that every single one of these guarantees is met in the prescribed way that the Secretary of State lists, absolutely to the letter—or potentially end up in court? That cannot be right.

In many ways, I could not admire some of these guarantees more—the aspiration to ensure that every child who can studies triple science, for example—but should heads be in the dock if the school they run cannot supply the necessary tuition because the funds have not been supplied either by the local authority or the Secretary of State? Should they be held responsible for that failure? Schools already face a formidable bureaucratic burden under the current system of Ofsted inspection—a system that we would make more light touch. Failure can be fatal to the careers of heads, but now we risk piling on another level of responsibility backed up by legal sanctions. I do not believe that that is fair. I am all in favour of sharper challenge, greater transparency and better accountability, but I am not in favour of putting the fear of even more litigation into the hearts of our teachers.

Bob Russell: May I take the hon. Gentleman back to transparency and academies? Will he look at a series of parliamentary questions I put about the Academies Enterprise Trust, which strikes me as being a business? Does he agree that an organisation that is trying to pluck up all the schools in Essex, Twickenham, the Isle of Wight and Suffolk, for example, is a business rather than an educational institution, particularly when it is run from an office on an industrial estate next to Hockley railway station?

Michael Gove: I know the hon. Gentleman is an indefatigable campaigner when it comes to schooling in Essex, but I also know that the Academies Enterprise Trust is responsible for the Greensward school in Essex, which is an outstanding school in every respect. I look forward to further debates with him in Committee about the ramifications of the legislation and its effect on the Academies Enterprise Trust. All I would say now is that I know that the people responsible for Greensward have done a fantastic job, and I suspect that they might well do a fantastic job elsewhere.

The heart of our division or the essence of our dividing line is that I do not know of a problem in education to which the answer is ever more lawyers. I am not aware of a single child who has been taught to read better, or to love learning, by the local government ombudsman. Teachers make the difference, and they deserve better than the approach in this Bill.

Ed Balls: Will the hon. Gentleman give way?

Michael Gove: Delighted.

Ed Balls: I think we established during my speech that we want these to be guarantees for all pupils and all parents, not just for some pupils in some schools. I can guarantee funding next year to pay for them, and the hon. Gentleman cannot.

Let me ask the hon. Gentleman a specific question. We will make a guarantee on one-to-one tuition at key stage 2, and next September, we will guarantee every school leaver a school, college or apprenticeship place. Will the hon. Gentleman match those guarantees? That is the nub of the issue. Can he guarantee that the provision will be for all, or will it be just for the few?

Michael Gove: I look forward to hearing the right hon. Gentleman spell out the source of the funding of those guarantees in more detail than he has hitherto. We still do not know how much he has secured as a result of the polite and temperate negotiations in which he indulged during the prelude to the pre-Budget report. We do not know the exact global sum for the schools budget, and we do not know what precise part of it will increase. I should be delighted if he would be kind enough to let me know those figures. Perhaps we could have a private meeting to discuss the issue.

Ed Balls: The hon. Gentleman began his speech by saying that he wanted to get down to the truth of the issue. Now, once again, we have been confronted by scripted evasion. I am being absolutely clear: we will guarantee a school, college or apprenticeship place for every 16-year-old this September. The hon. Gentleman has a chance to say—in this House, in public—and confirm that he would guarantee the necessary funds. I have guaranteed them: will he match that guarantee?

Michael Gove: The right hon. Gentleman has not guaranteed anything of the kind. During the debate on the Loyal Address, we discovered that the places of some 50,000 of those who were currently in sixth forms or training places had not been funded by the right hon. Gentleman. We discovered that in order to fund their places in a number of colleges, he was insisting on reducing the per-student cost. He claimed that there would be economies of scale. Which is it to be—extra spending or economies of scale at college level?

I should be really interested if the right hon. Gentleman would spell out exactly what he means by schools funding, and how it has increased. In a number of recent interviews, he has referred to overall increases in education funding. When I asked him a couple of questions earlier, he revealed, I think for the first time, that funding for the Training and Development Agency for Schools and the National College for Leadership of Schools and Children's Services would now be cut, which meant that education funding overall would be cut. Perhaps he would like to reassure the people who run those organisations that their funding will not be cut.

Again, I should be interested to know the precise cash sum that will go to schools—exactly how much it is, in terms of billions and millions—by how much it will increase, and which specific budget lines will increase as a result.

Ed Balls *rose—*

Mr. Deputy Speaker: Order. Before the Secretary of State attempts to intervene again, I remind the House, and the Front Benches in particular, that this is not a general debate on education or even the financing of education. It is a debate specifically about the Second Reading of the Bill that is before us, and the clock is still ticking.

Michael Gove: Thank you, Mr. Deputy Speaker—and I am happy to give way to the Secretary of State.

Ed Balls: This will be my last intervention, Mr. Deputy Speaker.

To fund our guarantee for school leavers next September, the Chancellor allocated £650 million in the Budget and a further £200 million in the pre-Budget report. That extra funding means that I can give the guarantee that is enshrined in the Bill. We have seen time and time again that the hon. Gentleman cannot make that guarantee, because he is not allowed to. He has been told by his party's shadow Chancellor, the hon. Member for Tatton (Mr. Osborne), that in 2010-11 the budget will not increase but will be cut. That is the difference between us.

Michael Gove: I am grateful to the right hon. Gentleman for evading the question again. We do not know where that £650 million will come from. Given that, according to the Chancellor, the Department's overall budget is to be cut, and given that the budgets for the National College for Leadership of Schools and Children's Services and the TDA are to be cut, presumably the extra funding for the September guarantee will come from other parts of the right hon. Gentleman's own budget. *[Interruption.]* "Wriggling" is the word that I would use for what the right hon. Gentleman is doing. He is the person who spends his entire time boasting about—forgive me: advertising—his position on spending in a variety of newspaper interviews, and he is the person who explained in *The Sunday Times* that he would be funding improvements in education by sacking 3,000 head teachers. I should be interested to know whether he is still committed to that policy. Perhaps we shall find out in Committee.

I said earlier that we wanted to move away from a culture in which bureaucracy runs what happens in our schools to one in which we trust professionals more. We know that one of the reasons why professionals need more backing is the poor behaviour—the constant barracking and low-level conversation—*[Laughter]*—that they often face when attempting to bring enlightenment to the laggardly. One of the proposed instruments is home school agreements. We have long argued that they should be strengthened, and provisions in the Bill may open the door to some improvement in this regard. I again have concerns, however. The Secretary of State appears to want home school agreements to be drawn up as individualised contracts for every pupil in the school, for them to be drawn up every year, and in some cases for individualised contracts to be drawn up differently for each of the parents of a pupil and then redrawn every year. Is that not another potentially immense bureaucratic burden? The Association of School and College Leaders has pointed out that rewriting potentially thousands of home school contracts every year will once again take school leaders' time away from teaching and leading their institutions.

More than that, is not the whole point of a home school agreement to spell out what the school expects of every parent and pupil? Is not the whole point to assert a common ethos—a comprehensive spirit that is the mark of that school, and to which all pupils are expected to subscribe?

There is also the question of what happens if parents decline to sign the contract. I understand that under current law no parent can be forced to sign. If a parent declines to sign, they cannot be held to the obligations that they have not agreed to. Also, if parents know that they can decline to sign and can face no sanctions, why should they sign—and especially because everything they are alleged to want is guaranteed by law anyway by the Secretary of State?

One of the Secretary of State's other wheezes for involving parents is to have parental surveys. I am very keen on surveys on education. There was one in *The Sunday Telegraph* this weekend that pointed out that David Cameron is trusted more than Gordon Brown by some 12 percentage points to improve this country's education.

Mr. Deputy Speaker: Order. I am sure the hon. Gentleman will in future remember to use the correct terminology for addressing Members of this House.

Michael Gove: Thank you, Mr. Deputy Speaker. Let me therefore repeat that my right hon. Friend the Member for Witney (Mr. Cameron) is trusted by many more parents to improve education than the Prime Minister is trusted.

As I understand it, the survey the Secretary of State proposes is for the parents of children in year 5 to be asked whether they are happy with the provision of secondary schools in their area. If a certain number of parents—the required number is as yet unspecified, as the hon. Member for Bury, North (Mr. Chaytor) pointed out—say they are unhappy, the local authority has to produce a response, although no time scale is specified. If the local authority produces such a report addressing the complaints of dissatisfied parents and then a number of parents object—again the required number is unspecified—the local authority has to put its report to a schools adjudicator. If the schools adjudicator finds against the local authority, the local authority has to come back with a new report—although, again, the time scale is not specified—and so the process continues. The local authority must ultimately implement plans, unless it considers them to be unreasonable, in which case I suspect the courts will once again be called in to define exactly what is reasonable.

Let us imagine that a local authority goes through this process and that that all happens within a year, and it then seeks to implement its plans only to find that the next cohort of parents of children in year 5 takes a completely different view of education provision. What happens then? Do we go through the same process all over again? Which group of parents is sovereign? Again, all the Secretary of State is proposing is a hugely bureaucratic process whose only certain beneficiary is the legal profession.

Earlier, in response to remarks made by the right hon. Member for North-West Durham (Hilary Armstrong), I mentioned my concerns about the licence to teach. There is a basic question that we all, particularly the Secretary of State, must answer: what value does this add? Bureaucratic bodies very rarely resist the accretion of extra powers to themselves, but the body charged with administering this new obligation—the General Teaching Council—has signalled profound concern about the additional powers it has been asked to accept. It says that it would be a challenge to develop a system that has sufficient rigour to make a positive impact while remaining proportionate and not unduly burdensome. It also points out that many teachers are sceptical about the practical benefits that can be secured, and interpret the initiative as another burden on them and their schools. The GTC specifically worries that any message about trusting professionals would be difficult to communicate when they see this as simply something additional layered on to the many existing mechanisms to which they are subject.

It is vital that we enhance the prestige of teaching and the esteem in which it is held, but I am not sure how that can be done simply through a process of bureaucratic certification. The answer is to raise the bar for entry to the profession and to improve continuous professional development, but the Bill contains no measures to achieve either of those aims, as both the professional associations I mentioned earlier—the National Union of Teachers and the ASCL—have pointed out.

Mr. Graham Stuart: Does my hon. Friend agree that head teachers should better be able to monitor the teachers on their staff in order to support them and bring them up to standard, and, if necessary, to remove from the profession those who are not of a sufficient standard—an action that too rarely happens nowadays? That is what we need, not the complex, bureaucratic and expensive system the Secretary of State proposes.

Michael Gove: As ever, my hon. Friend makes his point succinctly and well, and I cannot improve on his intervention. We should introduce the sorts of changes he mentions.

Along with improving the accountability of the professionals, we should improve the accountability of schools overall. That is why I am a supporter of reformed league tables, and why I am concerned about the Bill's proposals on the school report card. One of the great things about league tables at their best is that they shine a light on those schools—very often in disadvantaged circumstances—that are dramatically exceeding expectations, and the rest of us can learn from what those superb schools are doing. We can look at those schools that have challenging intakes and yet exceed the national average and say, "In this particular institution, there are leaders and teachers who are doing a superb job, and we wish what they are doing to be more widely applied elsewhere." Having that combination of professional autonomy and accountability—rigorous, clear, transparent, data-led accountability—is very important.

I fear that we may be moving away from a process that, although it has some flaws, provides a measure of clarity, towards something that is at once both fuzzier and more bureaucratic. The Government want their new school report card to supersede the attainment league tables as the principal accountability measure, but it is unclear how these school report cards will work. There is supposed to be an overall grade, but that grade may conflict with an Ofsted report measure. It is unclear who will assess the grade a school is to be given. Will Ofsted be responsible for that, or the Department? If the Department is responsible, will there not be a perverse incentive for it—no matter how incorruptible its Ministers—to ensure that every year more schools are seen to be succeeding? One of the problems with the report card introduced in New York is that the proportion of schools classified as good or excellent is now some 80 per cent. of the total. That is precisely because of that tendency to level-up purely in terms of how schools are reported—not in terms of what they are actually achieving.

Within the report card, there will be a variety of different ingredients, but what weight will be given to each of them? In assessing the overall grade, what weight will be given to the attainment tables, to value-added and to contextual value-added? Given that the report card is supposed also to measure such things as well-being and parental satisfaction, what weight will be given to them? What weight will be given to the quality of a school's relationship with other schools in framing the overall grade?

The answer is not to have a bureaucrat assessing an overall grade on a basket of measures that they decide. The answer is to retain and improve league tables, with a focus on academic attainment, and to ensure that, using sophisticated technology that is increasingly available, parents have the opportunity to develop their own ways of comparing schools in lots of different fashions, all of which will allow them to find the education and school that are right for them.

Still on the subject of finding the right school, one of the most controversial issues is home education, as we know from earlier debate. Although I wish to discuss this, I shall do so very briefly as it will certainly be debated at length in Committee. I am deeply concerned about the additional bureaucratic burden that will now potentially be placed on thousands of our fellow citizens whose only crime is to want to devote themselves as fully as possible to their children's education. It is a basic right of parents to be able to educate their children in accordance with their own wishes, and to educate them at home if they so wish. There may be many reasons why parents take that decision: they might be dissatisfied with local provision; their child might have a specific educational need that they feel can be better supported at home; or they might have philosophical objections to the style of education on offer at the local state schools that are easily accessible. Each of these decisions can sometimes be illuminating, in that they can tell us what is wrong with current provision—there might be a lack of diversity, for instance. Ultimately however, this is a basic human right that every parent should have, and I feel the Bill erodes that right, because, as I read it, it allows the state to terminate the right of a family to educate a child at home if the education offered is not deemed suitable according to regulations that the Secretary of State writes.

Mr. Stuart: I wonder whether my hon. Friend is aware that New Zealand introduced a similar licensing and monitoring system a number of years ago but last year gave it up on the grounds that it was a waste of time and money. Have the Government learned nothing from the foreign experience of this system?

Michael Gove: It seems that the Government have learned very little; indeed, I believe that the report on which their recommendations are based was described by one member of the expert group called in to help us as one of the most rushed, flawed and populist exercises with which he had ever been involved. I know that the Secretary of State bears no malice towards home education, so I hope that in Committee he and the Minister for Schools and Learners will do their best to address the many legitimate concerns. I do not know of any home educating parent who supports these provisions. I, like almost every Member of this House, have been inundated by correspondence, telephone calls and e-mails from,

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and had private meetings with, home educating parents who are deeply concerned about this legislation, because it undermines the right of a family who have broken no laws and placed no child in danger to decide what is in the interests of their child.

As the debate on home education has developed, I have become particularly worried about the way in which various issues have been conflated; I am especially worried about the conflation of safeguarding and child protection with quality of education. I deeply regret the way statistics have been used to suggest somehow that children are intrinsically at greater risk if they are being home educated; I believe I am right in saying that not a single home-educated child has had to be taken into care as a result of a child protection plan, yet there are those who have sedulously spread the myth that somehow children are at greater risk through being home educated.

Mr. Mark Field: Does my hon. Friend also recognise that there are often positive reasons for parents choosing to educate their children at home? These decisions are not necessarily a reflection on the schools or the local education authority, so the notion that simply improving the LEA or the schools will dissipate the demand for home education is entirely wrong. Some parents home educate for very positive reasons.

Michael Gove: I entirely understand the point made by my hon. Friend; he is right to say that a host of reasons are involved, and it is not for us to second-guess the decisions made by parents. Many of those who sacrifice not only earnings but time make a commitment of love towards their children in order to home educate them, and that should be celebrated and applauded, not denigrated and undermined.

One of my specific concerns is that this legislation means the state will take it upon itself to regulate what may or may not be taught in the home. Proposed new section 19C in schedule 1 provides that parents will have to produce a report in accordance with regulations laid down by the Secretary of State explaining what they propose to include in the education programme for their child. They will then have to allow an inspector in at an appropriate point, and that inspector will have to be satisfied that the education being provided is suitable, according to the regulations laid down by the Secretary of State. If that education is not considered suitable by that local authority employee, the right of that individual to be home educated can be revoked. So this is not about safeguarding or even about child protection; this is about the Secretary of State being able to say that an individual home-educating parent is not providing an education that he deems appropriate and therefore they should not have the right to educate that child at home.

One of the other terrible things about this legislation is that proposed new section 19F in schedule 1 sets out that when the information provided by a parent to a local authority changes and is found to be wrong, even if it was materially right when it was given—in other words, the parent made efforts to ensure that the information was correct but the local authority finds that it has changed in some respect—the right to educate that child at home can be revoked. Even though the parent is not at fault and sought to provide the right information at the right time in the right way, they can lose the right to educate their own child. A draconian extension of state power is potentially made possible by this Bill, which is why all my hon. Friends will be working hard in Committee to ensure that we can find a consensus on this sensitive area, so that the rights of home educating parents are respected and we do not fundamentally erode their liberties.

Mr. Laws: I share some of the concerns that the hon. Gentleman has outlined. Is it his party's position that the existing regulation of home education should be left unchanged, or does he foresee the need to make some changes?

Michael Gove: I do foresee the need to make some changes. I do not believe that the current system is perfect, but it is fundamentally important that we respect the rights of home educators first and that we ensure that any change to legislation is conducted in accordance with their wishes and interests—they have made it crystal clear that the approach that has been taken so far runs counter to those.

Mr. Stuart: I wonder whether my hon. Friend finds it bizarre, as I do, that this Bill, unlike any piece of legislation to deal with children going back to 1989, fails to make the interests of the child paramount in any consideration. Instead, the Bill considers any administrative failures on the part of parents as being an open and shut case for the revocation of home education, regardless of the interests of the child, and that is simply wrong.

Ed Balls *indicated dissent.*

Mr. Stuart: Instead of shaking his head, perhaps the Secretary of State could fix that.

Michael Gove: My hon. Friend makes a very good point. More broadly, I should point out that the Secretary of State's own children's plan makes it clear that it is families that bring up children, not the state. The rights of families should be respected, and I am not convinced that they are being respected by the proposals being introduced.

There are parts of the Bill to which the Conservatives have no objections. Such areas include the powers to intervene when youth offending teams fail and the ability of school governing bodies to establish academies—indeed, I thought that the Secretary of State made a superb case when outlining the importance of academies becoming exempt charities. I also think it is right that schools should be able to use delegated funds to provide community facilities, and the proposals to improve information sharing for local children's safeguarding boards seem sensible. We also share the Government's aspirations to ensure that children have all the skills and knowledge that the best personal, social and health education is supposed to impart, but we want to see more about precisely what is proposed. We differ from the Government in one respect: we believe that the right of parents to withdraw their children should not be eroded. We agree with Sir Alasdair Macdonald in that respect. *[Interruption.]* Exactly, we agree with his recommendation in that respect.

There are other areas, such as the primary curriculum, about which we have profound concerns about the direction the Government are taking, and we have advertised those elsewhere. At its heart, our objection to this legislation lies in our basic view that we should regulate less, trust professionals more and build on the excellence and diversity already on display in the schools system. Our philosophy for schools is simple:

> "It is about schools feeling ownership of their own future, the power and the responsibility that comes from being free to chart their own course, experiment, innovate, doing things differently: the decision-makers in their own destiny not the recipients of a pre-destined formula laid down by Government."

That was the case made by Tony Blair to the Specialist Schools and Academies Trust in 2006. It is a principled vision that I entirely endorse, and I am sorry only that the Secretary of State's Bill departs from it so profoundly.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The pre-debate calculations carried out did not take account of the length of the two Front-Bench speeches that we have heard, so there is pressure on the availability of time for Back-Bench speeches. Originally, a 15-minute limit was imposed and I intend to follow that for the first speech to be made from the Labour Back Benches and by the first Conservative Back Bencher. I am sorry to say that thereafter the limit will have to revert to 10 minutes if this debate is to be as inclusive as most people would wish it to be. I hope that that will be seen as a reasonable decision in the circumstances.

6.8 pm

Hilary Armstrong (North-West Durham) (Lab): I trust that I shall take a fair deal less than the 15 minutes allocated to me, Mr. Deputy Speaker. I found the exchanges between the two Front Benchers fascinating, and I am sorry that I shall not follow them in talking mainly about schools.

I wish to discuss some of the Bill's specific aspects, much of which I welcome—for example, the statutory basis on which the Government propose to put personal, social and health education. Most of my remarks result from my experience, gained both before I came to this House and in this House, of the effects of social exclusion, in particular.

I cannot stress too strongly how we must help and support those children who do not get the support from their families that the hon. Member for Surrey Heath (Michael Gove) was talking about, or how we must work with them so that they can take advantage of the opportunities that are available to them. The evidence from many different reports that I saw when I was in the Cabinet Office is that emotional well-being is critical to enabling the most vulnerable to learn, and so paying attention to that is very important. There are some superb programmes out there and we should be far more centrally prescriptive when it comes to what we know works in PSHE. My hon. Friend the Member for Nottingham, North (Mr. Allen) knows the programmes about which I am talking.

For very young children, but also as the children get older, learning to deal effectively with relationship development and, yes, with sex education is critical. The schools and local authorities that do that effectively are precisely the schools and local authorities that are successfully reducing teenage pregnancy rates. We are daft in this place if we simply say, "Oh, we don't like that. We're frightened of that." We must consider such an approach and we must use the programmes that we know work. We should use the experience that is out there and spread the good practice much more effectively around the country.

Mr. Allen: First, may I commend my right hon. Friend for her fantastic work on this issue when she was in the Cabinet Office? Does she accept that in order to spread the good practice around and to ensure that the best policies are more broadly spread, we need something like a national policy assessment centre? Rather than constantly reinventing the wheel and trying to pick up pet projects, we should put forward a series of proven policies which have an evidence base. We can then help local authorities and others to achieve the right early interventions.

Hilary Armstrong: I support that, as my hon. Friend knows, and I have suggested those ideas to the Department over a number of years. An embryo organisation exists for that task, but I do not think that it yet has the power or authority effectively to implement such a process throughout local government. I would like to see that happen.

My second point concerns partnerships with schools. I want to see more examples of the voluntary sector and the outside world working in partnership with schools. If PSHE is being considered as part of the curriculum, the teacher needs to be part of that but including the work of outside bodies, and making relationships with them, is also critical. I want schools and academies to use their commissioning powers to work more effectively with community organisations that have a good track record so that they can be used to improve the educational opportunities of the children in the school.

I am sorry that I am moving from issue to issue without much of a common thread, but I want to pick out particular issues in the Bill. The implementation of the youth crime action plan, a matter on which the Front Benchers did not disagree, is very important. Last week, the Department produced an evaluation of the work so far and it raised some important questions and identified problems with what has been done so far. When anything is implemented in a local area it is critical that the local community should know what is going on—I hope that the Committee will bear that in mind.

I have seen the youth court operating in Washington, and it is incredibly effective. I have also seen the community court operating in Red Hook in Washington. The key thing is that although they set down non-custodial activity, the community knows and understands the action that is being taken and therefore has confidence in it. We do not get all the stories along the lines of, "This one was out painting a wall when they should have been inside," and so on. The approach of those courts has been far more effective in tackling youth crime than many of the things that we have done elsewhere.

I spent much of my life before I came to this place working with young people and trying to divert them from criminal behaviour, but it is critical that if they have engaged in such behaviour we should try not only to divert them from it in the future but to ensure that

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there is a structure of punishment. There must be a structure whereby they know that they have done wrong and work out with somebody what to do about it. I cannot understand people who see these two things as being on opposite benches, as it were. They are part and parcel of the same policy and we have to ensure that that is how we proceed in the future. Far too often, the youth offending teams have mixed that up, which has been a problem in local areas.

More than anything else, many of these young people need some structure in their lives. They are growing up in families where they have no sense of right and wrong and no sense of what is acceptable and what is not. An important part of being an adolescent is testing boundaries, but that means that there need to be boundaries that can be tested and that the adolescent needs to understand that there are such boundaries. The way in which we develop the youth offending programme is becoming more and more important in this country because in many communities such offending drains the life and ambition out of the community, meaning that people feel that there is no point in getting together to do anything because of the level of antisocial behaviour and so on. There are things that we can do that will encourage young people but also help them to set those boundaries much more effectively. We have to include the local community in that, although we have been fearful of such an approach in this country, for reasons that I understand. If we are to change the experience of young people, we need to involve the community in a much more effective way.

That brings me to the final point that I want to tackle today, which is another issue about which there was no division between the two Front-Bench spokesmen, although there is a lot of anxiety about how it will be implemented, and it concerns the family proceedings. Everyone accepts that there should be more transparency and openness, but the Bill also affects the level of reporting. In being more open and transparent, we must maintain caution about what is reported and how it is reported. I have worked with far too many families and have been present at far too many cases in which there have been problems despite the Children Act 1989, which put the primacy of children at the forefront. I did not want to intervene on this point earlier, but that primacy remains through all legislation unless it is changed, so it does not need to be restated in this Bill. The primacy of the interests of children is critical but because of the irresponsible way in which some of our newspapers are prepared to report family proceedings, we must continue to exercise caution.

This House has established proceedings whereby Public Bill Committees can talk to outside bodies before they consider legislation in detail. I hope that the Committee will consider doing so, particularly as regards family proceedings. Although, in principle, many organisations want such proceedings to be opened up and reported, they are very anxious about the detail. We should respect that.

Mr. Graham Stuart: The primacy of the interests of the child are not enshrined in the Bill, and I do not see how the Children Act 1989 could trump that. The Bill says that if a parent has failed to register their child, the quality of the education provided to that child in the home is to be disregarded—the interests of the child are to be disregarded—and the child must be ordered back to school. I hope that the right hon. Lady will support me in seeking Government changes in that respect.

Hilary Armstrong: The hon. Gentleman is trying very cleverly to get around something that we know is not there, and I shall not be dragged down his route. I could have a lot to say about home education, but I am determined to stick to discussing what we are going to do about the most vulnerable in our communities.

What the Government seek to do overall, in opening up proceedings, is absolutely right, but I am concerned that in doing so we protect sensitive personal information. On my understanding of the Bill, such information could be published unless the court specifically imposes restrictions, but I suspect that any court that imposes such restrictions will be subject to enormous criticism by some members of the press. We need to be clear about what we are licensing and what we are allowing, and we must make absolutely sure that we consider the interests of the child. Family proceedings usually involve children when they are at their most vulnerable, and we must make sure that we do not put them into more danger from, for example, bullying or further abuse. I approve of the principle, but I am concerned that, frequently, because there is no disagreement about the principle, we do not pay enough attention to the level of detail. That might come back to hit us if we do not maintain the clear level of care needed for the most vulnerable children when they are part of family proceedings.

There is much in the Bill that I welcome and much that I would like to talk more about, but I have tried to concentrate on the issues that, for me, are part of how we support the most vulnerable in our society and enable them to grow up to play a full part in it because they have been able to meet their full potential.

6.22 pm

Mr. David Laws (Yeovil) (LD): I beg to move an amendment, to leave out from "That" to the end of the Question and add:

"this House declines to give a Second Reading to the Children, Schools and Families Bill because it adds hugely to the bureaucratic burdens on schools and colleges without improving real opportunities and educational standards for pupils and without genuinely empowering parents; its proposals for the regulation of home education introduce powers which are excessive and risk undermining key freedoms for home educators; it fails to put in place a coherent system for delivering school improvement; its provisions on family proceedings have not been properly consulted on and do not take account of existing reforms; and it does not include much needed policies to introduce a Pupil Premium to support the education of children from disadvantaged homes or to establish a new Educational Standards Authority to restore confidence in educational standards and to reduce the extent of destabilising political interference in English education."

It is a pleasure to follow the right hon. Member for North-West Durham (Hilary Armstrong), and I agree strongly with several of her points about the release of sensitive information in the family court. I hope that we will have the opportunity to consider that issue in some detail in Committee. I appreciate that we are short of time today, and I shall do my best to limit my comments on the Bill, which covers many extremely important areas.

I should like to put on record the sadness of my party at the death of the former hon. Member for North-West Leicestershire, Mr. David Taylor. He was much respected across the House and he will be fondly remembered not only by Labour Members, but by Opposition Members, and our thoughts are with his family at this time.

Before I come to my substantive comments about the Bill, I have a request for Ministers. Will one of them, when they respond to the debate, clarify a point that got slightly mangled in the exchange between the Secretary of State and the hon. Member for Keighley (Mrs. Cryer) regarding her question about reasonable punishment? She asked about individuals who attend madrassahs and other such quasi-educational settings and whether they should be covered by the existing restrictions on corporal punishment. I thought that the Secretary of State indicated that he was sympathetic to the hon. Lady's point, but that approach appears to contradict both the existing legal position and a letter that Baroness Morgan, a Minister in his Department, sent to a lobby group that is pressuring for a change in the law on this issue. The letter of 6 January to the Children Are Unbeatable! Alliance said that some such educational and quasi-educational settings are currently exempt from the existing restrictions on physical punishment. Unless I got the wrong end of the stick, the Secretary of State showed sympathy for the hon. Lady's point, but his Department's position appears to be that the existing legislation will not be changed.

It is obvious from the Liberal Democrat's amendment that we have considerable concerns about the Bill, and that we hope that the House will do the country a service either by not allowing it through the House before the general election, or by making massive changes to the Bill. It is extraordinary that, on the day on which the Secretary of State has effectively had to boast in the *Financial Times* that we are going to have the poorest education funding settlement since 1997, the Bill proposes to spend about £1.1 billion, in net present value terms, on additional bureaucracy. That money will not be available to front-line education to go to schools and parents and to assist pupils.

This point relates to the additional money that will be spent on the bureaucracy surrounding home-school agreements and pupil and parent guarantees, which even the Government have been unable to cost in the cost-benefit analysis that comes with the Bill. It also relates to the parental surveys that the hon. Member for Surrey Heath (Michael Gove) mentioned earlier, and to the cost of school improvement partners and home education and the additional regulation that will arise in that respect. It seems extraordinary, given that educational finance will be so restrained in the coming years, that we will have to spend such a huge amount of money on additional bureaucracy that seems, as the hon. Member for Surrey Heath said earlier, likely to follow in the tradition of this Secretary of State who believes that he can improve the education system through central direction and legislation.

As the Liberal Democrats mentioned in the Queen's Speech debate, this is the 12th education Bill to come from the Labour Government. It was published only one week after we approved the last education Act, and, unbelievably, amends some of the measures in that Act. That shows the extraordinary tendency of the Labour Government and this Secretary of State to legislate and often to replace legislation before it has even bedded down.

We also have serious concerns about the amount of time that will be available to debate the Bill. When one picks up the Bill, it does not look to be of the size and scale of the last education Act that we debated, or of some of the larger Bills that we are used to dealing with in the House, but it deals with extraordinarily important and sensitive issues, and the debate that we will need to have on some of those issues will be considerable—yet we will be trying to do that in only two weeks. We need to consider the range of issues that we will be trying to resolve in those two weeks.

We will be trying to debate major new proposals on home education that are extremely controversial and difficult. As the right hon. Member for North-West Durham has said, we will be debating new and controversial plans to allow the release of sensitive information from the family courts. Those proposals are opposed by many outside bodies. We will be debating controversial and important proposals on a new licensing arrangement for teachers. We will also be discussing the introduction of a new school report card, of new arrangements for school improvement partners, of new pupil and parent guarantees and of new arrangements for home-school agreements. Other issues to be discussed include the whole future of the primary school curriculum, which the Bill deals with in one clause, the important issue of personal, social and health education, which has already stirred some debate in this place, and the powers of governing bodies.

Those are only some of the issues to be debated, and the Secretary of State and the usual channels have not allowed anything like enough time properly to scrutinise those issues. He cannot be surprised if the Liberal Democrats indicate that we do not want many of those proposals to go through in a half-baked or half-scrutinised way before the general election before which we know the Government are having to rush this Bill through.

Let me make some brief comments about the parts of the Bill that we support and those that we will be seeking to amend. There are two small but important areas that we support unreservedly. The first is the new status for, and access to, PSHE education, although we are not entirely convinced that the change goes far enough in some areas. Secondly, we support, as I believe the hon. Member for Surrey Heath did, the measures on special educational needs; we think that they are beneficialand helpful

We share some of the concerns that the hon. Gentleman expressed about bureaucracy in relation to the school report card and the licence to teach, although I do not think that we would put them in as critical a way as he did. We are more optimistic, or more open-minded, than him about the potential for those two matters to lead to improvements, if the measures that the Government introduce address them in the right way. The current mechanisms for school accountability are not particularly effective, and they do not give us a very good measure of the performance of many schools, particularly those that do not have the most challenging catchments and are therefore able to coast along in the league tables without their performance being looked at closely.

Mr. Allen: The hon. Gentleman mentioned one proposal that seems to have pretty broad support—the extension of PSHE to the national curriculum. It is wonderful that all parties support that. Unfortunately, it appears that most people out there where it matters—on the estates, in the towns, in the rural areas and in the cities—have not got a clue what PSHE is. Will he join

[Mr. Allen]

me in making a friendly plea to my right hon. Friend the Secretary of State that we call it something that people understand? I would offer, with all modesty, the term "life skills". Would the hon. Member for Yeovil (Mr. Laws) support that, and would he at some point support an amendment that brought that about, if the ministerial team did not quite find its way to accepting that idea?

Mr. Laws: I agree that it is always helpful when we use language that people understand and that is accessible. There is a problem not only with people not understanding what PSHE means, but with the quality of what currently passes for such education.

The existing school accountability mechanisms are seriously deficient and the school report card has scope for improving the way in which schools are assessed. However, as I said in the debate on the Gracious Speech, there is a real risk that the Government will seek to put too many different measures into the school report card, that it will become a box-ticking exercise, and that as a consequence, as the hon. Member for Surrey Heath said, we will end up with schools simply ticking boxes and with an increasing number of schools appearing to reach the higher grade levels without any change or improvement in performance in the areas that really matter. If that is all that the school report card does, it will be a waste of time and a bureaucratic burden.

We agree that it is quite wrong that the Department for Children, Schools and Families should be the organisation that oversees and produces the report card; there are clearly risks inherent in that. It seems obvious to us that Ofsted or, arguably, local authorities should be charged with that responsibility.

We are somewhat more positive than the hon. Gentleman about the potential of the licence to teach, but there is a great deal of confusion about what the licence to teach is meant to deliver. The Government first spun the idea, when the Bill was published, as a measure to get rid of poor-performing teachers. The Secretary of State knows perfectly well what I mean by "spin". In a lot of the recent documentation that has come from the Government, the presentation has been all about CPD—that is, continuing professional development; the hon. Member for Nottingham, North (Mr. Allen) would have picked me up on that if I had not been clear about what it was. The Government have to be clear about which of the two they seek to deliver. There is a real risk that the proposals could, if the Government are not careful, become another expensive, bureaucratic burden.

The Government need to focus on the ability of the licensing process to deal with poorly performing teachers, including in circumstances that are not dealt with under the existing performance management regime, such as those that the hon. Gentleman mentioned. Head teachers seek to take action against poorly performing teachers by using existing mechanisms, but those teachers leave before they have been put through the performance review. They then simply turn up in other schools, where they are able to teach very poorly. That is a real issue. It raises difficult questions, but those questions are worth exploring.

Our three greatest concerns about the Bill relate to three areas: home education, the pupil and parent guarantees, and the matter that the right hon. Member for North-West Durham mentioned, the release of sensitive information in the family court. We accept the Government's good intent in seeking to ensure high-quality home education for all children, and we recognise the evidence that was given by the local authorities. Obviously, it is extremely controversial evidence, and it is very difficult to get a reliable data set, but it is argued that 8 per cent. of home-educated children may not be receiving a good education, and that 20 per cent. may be receiving a poor education. We recognise, as I think all Opposition Members do, that local authorities already have a duty to ensure that all children receive a suitable education.

Mr. Graham Stuart: I am following the hon. Gentleman's speech closely. Did he accept those figures? My understanding is that they were as unsound as most of the others that we have suffered in the Badman review, and that the Department is planning to produce another impact assessment because it has had to look again at all its numbers. I do not believe that the numbers that the hon. Gentleman mentioned are correct.

Mr. Laws: I accept that they are highly speculative. None of us can possibly know what the right numbers are, but the hon. Gentleman, who is, I believe, a member of the Children, Schools and Families Committee, signed up to a report that includes a lot of information about the patchy quality of home education. Some parents and families did not see themselves as having a duty to continue home education beyond key stage 2. He also signed up to a report—the Secretary of State quoted this earlier—that said:

> "In our view it is unacceptable that local authorities do not know accurately how many children of school age in their area are in school, are being home educated or are otherwise not in school."

We agree that there is a real issue, but the challenge for the Government is to get the balance right, and we do not believe that they have done so. We agree with many of the criticisms made in the Select Committee's report, and we would like to suggest the potential for consensus on a number of points, because on such subjects it is important to seek to come to a conclusion, if we can, before this Parliament ends.

The one area in which we do not agree with the Select Committee is its conclusion that any scheme of notification or registration should be voluntary. It seems strange that the Committee can, in one sentence—the sentence that the Secretary of State cited earlier—say that it is unacceptable that local authorities do not know accurately how many children of school age in their area are in school, being home educated, or not in school. It may be that that element of the Committee's conclusions reflected a desire to gain a compromise between individuals with very different views. I am not a member of the Committee, so I do not know whether that is true, but that is certainly the impression given.

However, we have concerns about two issues. The first is the nature of the registration process and whether the Government are in danger of presuming to be able to judge, at this stage, what a suitable education is, and of presuming to give individuals in local authorities the power to take away people's ability to home educate when there is no clarity about what a suitable home education is. Under the Government's proposals, individuals will not only be required to notify local authorities, but effectively be registering, and by registering will be required to prove their ability to home educate and prove that they are delivering a suitable education.

I put it to the Secretary of State that the only way that local authorities can reasonably do that job is by having a set of very detailed criteria for home education. Necessarily, the concern of home educators is that if the Government or local authorities seek to do that job without any agreement on what a suitable home education is, many individuals could suddenly find themselves having to comply with exactly the type of rigid state education that they have tried to escape by leaving formal schooling and going into home education.

Secondly, it is very regrettable that education and safeguarding have become so mixed up in the Badman report. An assumption that local authority inspectors should have to check whether all home educators meet safeguarding requirements is inappropriate. The scope for local authorities is to consider whether a suitable education, however defined, is being given, not to assume automatically that local authority inspectors should look at the safeguarding circumstances. The intrusiveness in that part of the Bill is quite extraordinary.

Under the Bill, a local authority must ascertain the child's wishes in relation to home education in all circumstances. It must check on the child's welfare in all circumstances, automatically assuming therefore the duty to prove that there are no welfare concerns, rather than simply picking up any that arise. In addition, a local authority must make at least one home visit and hold one meeting with the child each year. The cost-benefit analysis assumes that 100 per cent. of children will receive one in-year visit, with 50 per cent. receiving additional monitoring. There is a description of the statement of education, which has not yet been clarified in its detail but must be produced. In other words, the change in the regulation of home education is very significant and will mean that home education is regulated as never before.

We would like to suggest a way to improve the current regime, without perhaps creating some of the problems of the disproportionate response that are involved in the Government's proposals. First, we do not support the voluntary approach that the Select Committee advocates, but we suggest in the first instance that the Secretary of State ought to consider whether the scheme could involve notification, rather than registration. Notification would oblige everyone who is home educating to declare that information, without undertaking a registration process initially that proves in some way the suitability of the education.

Secondly, we suggest that a review over a longer time scale is needed, to consider what suitability means in home education. It would be dangerous to give local authority officials the responsibility for making judgments on suitability without any detailed guidance. I put it to the Secretary of State that we are simply not able to give that guidance, based on the debate so far and those that we are likely to have in Committee.

Thirdly, we obviously want more support for home educators and more training for those local authority staff who must oversee such things, and we will debate that in Committee. I should have thought that that was an area of common ground. The Government would have a better chance of gaining a consensus if we separated educational inspection from safeguarding. That has been one of the things that home educators have found most provocative. We would like the process to focus on the quality of education, not on safeguarding. We would like the Government to reflect again on how they can introduce a much lighter touch inspection regime, where the actions taken by local authorities are proportionate to the perceived risk, rather than presuming that every home-educating household in the country must be inspected in the ways set out in the Bill.

I hope that the Secretary of State is willing to take those proposals seriously. Outside the Committee's proceedings, we would be willing to take part in cross-party talks with him and the hon. Member for Surrey Heath if that is necessary to try to reach an agreement on proposals that could command cross-party support.

The second area about which we have considerable concerns is the pupil and parent guarantees and, tied to that, the home-school agreements. I shall not rehearse all the objections, because they came out very effectively from the exchanges, or lack of exchanges in some ways, between the hon. Gentleman and the Secretary of State. It was interesting that the Secretary of State failed to explain why the one-to-one tuition guarantee in primary education is different from that in secondary schools. There was no explanation of why the Government know better than head teachers and schools about whether tuition should be delivered one to one or in small groups and why one model is right for primary schools and another is right for secondary schools.

The Association of School and College Leaders and the TUC are right to criticise such measures and to say that they could open the floodgates to increased litigation, that they could involve a huge bureaucratic burden, and that the problem with pupil and parent guarantees in so many areas is that they are not meaningful, not always deliverable and not rationally designed. Many hon. Members would not object to some of the pupil and parent guarantees if they were meaningful, sensible and respected the fact that the Secretary of State does not know better than 23,500 schools across the country how to run education.

In our last debate, I gave a particularly striking example from the list of 38 pupil and parent guarantees that relates to pupil guarantee 5. I invite the Secretary of State to respond in a way that he did not last time and to tell me how on earth the local government ombudsman is remotely supposed to police guarantee 5, which says that

> "every 11-14 year-old enjoys relevant and challenging learning in all subjects, and develops their personal, learning and thinking skills so that they have strong foundations to make their 14-19 choices."

That is motherhood and apple pie, and we are not supposed to know whether or not all schools are doing that—presumably, they are not, as we are told in the White Paper:

> "This will be phased in by September 2010."

I put it to the Secretary of State that it is not only impossible to measure a supposed guarantee that is so loosely defined, but impossible for the local government ombudsman to police it, yet it is possible that a parent might want to refer a complaint under that guarantee to the local government ombudsman.

We have already debated guarantee 13, which relates to one-to-one or small group tuition. It is totally unclear why the arrangements for primary and secondary schools are different, why there should be one-to-one education in one setting and education in small groups in another,

[Mr. Laws]

and why a certain number of sessions should be guaranteed, rather than focusing on the outputs. I should have thought that that was one of the things that the Secretary of State had learned during his time at the Treasury.

On the parental guarantees—Nos. 5, 6 and 7—that relate to home-school agreements, it is unclear why the Government should make them compulsory for every school in the country. Why on earth do we need to make home-school agreements compulsory, even in schools that do not regard them as beneficial? Why is it necessary to personalise them for each child, when that will add enormously to the bureaucratic costs, which must therefore be regarded as unrealistic, as shown in the cost-benefit analysis associated with the Bill.

The third area about which we have major concerns is that of family courts and access to sensitive information. That is, of course, a Home Office lead issue, but as we will have no one with Home Office responsibilities involved in the Bill, I should like to make some comments. This is the one area on which we as an Opposition party have so far received the greatest criticism from outside bodies, not only children's bodies such as Barnardo's, the NSPCC, the Interdisciplinary Alliance for Children and the National Children's Bureau, but the Bar Council, Resolution—the much-respected family law group—and the department of social policy at the university of Oxford.

All those representations have a common theme. They accept the need to make family courts more transparent, but they believe that the proposals are rushed and lack sufficient consultation. They cannot understand why they are being pushed through at the same time as other measures to pilot the improved transparency of court decisions are only just being rolled out. All those groups believe that sensitive information linked to individuals could be released and that such legislation could be against the interests of children and deter them from giving evidence in some cases.

Almost universally, those outside groups have proposed a number of solutions to the deficiencies that they see in the Bill. They believe that any change should follow an independent evaluation of the April 2009 changes, which are only just being piloted. They believe that any changes should be delayed so that there is time for consultation and consideration in relation to these new and controversial proposals, which seem to have been driven through only to meet the needs of a number of lobby groups in the media. They also believe that if the proposals are to be implemented, they need to take into account the delay and cost implications of going through each case in turn, and look at assessments about any reporting restrictions that are necessary.

We have three major concerns about the Bill, and we hope that the Government will be willing to listen to them. If not, we hope that a large part of the Bill will not go through before the dissolution of Parliament. The Bill could have concentrated on areas where we might have found some consensus with the Government, in particular the need to reform the funding of young people from disadvantaged backgrounds, the need to introduce a pupil premium with real additional money, not money simply shifted around the system, the urgent need to restore credibility in relation to educational standards, which has not happened so far in spite of the earlier comments from the Secretary of State, and the need to devolve more power and freedom throughout the system, rather than accruing more power to the Secretary of State and introducing more bureaucracy.

The Bill is disappointing. We will do our best over the next few weeks constructively to amend some of the key parts of it, but at this stage we intend to vote against it and we hope that most of it will not get on to the statute book.

6.51 pm

Kate Hoey (Vauxhall) (Lab): There is probably nothing more important to our future as a prosperous country than the need to ensure that every child has an excellent education. I feel very grateful for the education that I had at my local country primary school, Lylehill in County Antrim, and my wonderful grammar school, Belfast Royal Academy. Despite a few people trying to close all the grammar schools in Northern Ireland, they are still operating and doing extremely well.

On the country primary school, I realise that such a Bill cannot include everything, but we should remember that in 2006 the Government launched the Learning Outside the Classroom manifesto, which aimed to give every school student the opportunity to experience out-of-classroom learning in the natural environment, yet in 2008 well over half of all school-aged children would never have had a visit to the countryside or an opportunity to understand anything about the countryside. I feel particularly strongly about that, because I am the chairman of the Countryside Alliance and, more importantly, because of my inner-city schools. Using a great deal of charitable money and donations, we try to get all the primary schools in my constituency at least one visit to the countryside. That makes such a difference to the children. I hope that can be considered.

There are many aspects of the Bill with which I agree, because some of them will help to ensure an excellent education, but I share some of the concerns expressed to me by head teachers that many of the proposals in the Bill could have waited or are not necessary and will add more bureaucracy to schools, particularly to the heads. Much more time and money will be spent on ticking more boxes to satisfy monitors about things that do not necessarily need to be monitored or could have been monitored in a different way, especially where schools have good leadership.

Previous speakers have commented on home-school agreements. I cannot understand how all the effort, work, time and money involved will improve by a single iota the education of a child in primary school.

Kelvin Hopkins (Luton, North) (Lab) *rose*—

Kate Hoey: I give way to my hon. Friend, although I have only 10 minutes.

Kelvin Hopkins: I thank my hon. Friend for giving way. I shall not take too much of her time. As we know, she is from Northern Ireland, which has a fine record for quality of education. Is there something about the teaching methods employed in Northern Ireland that is an advantage that we have missed in the rest of the United Kingdom? Will she advise us on that?

Kate Hoey: I think that what makes a good school is a good head teacher being given as much freedom as possible to get on with doing a good job. That is why, if

I may say something positive about the Bill. I welcome the measures which, hopefully, will make it easier for successful schools to sponsor new academies and new types of school. Some of the outstanding schools in my constituency want to do more and have a record of changing lives in the area. We must make it easier for those, with the right leadership, to go ahead and do greater things.

I have some aspirational primary schools in Vauxhall. One, Durand primary school, has hugely important visions for future growth. I want to see the Government support such a school—for example, the Durand aim of developing its own all-through academy, with boarding provision from the age of 13 to A-levels. The school and the governing body want to move forward on that, and they have substantial funding in place. They know that central Government are on their side and they have already proved that they can deliver, having transformed a failing primary school in a socially deprived area of Stockwell into an outstanding provider, cutting class sizes, offering all sorts of organic food, providing subsidised after-school clubs—doing everything that makes it an ideal primary school.

The school does that because it has a visionary head and visionary teachers. They take a fairly sceptical view of the local authority telling them what to do. They get on with it. As a foundation school, it now wants to deliver an all-through academy which would offer free of charge boarding to children in its catchment area. It will not be a boarding school for the privileged few—40 per cent. of the children who attend Durand live in overcrowded households, more than 50 per cent. receive free school meals, and more than 95 per cent. come from black and minority ethnic backgrounds.

Durand's proposals and other proposals from primary and secondary schools would offer life-changing opportunities for such children and create much-needed additional secondary places. We need a legislative environment—I am not sure that it is in the Bill, but parts of it may be—that will allow a school such as Durand to go forward and do what it does best, which is creating excellence for children.

Michael Gove: Like the hon. Lady, I am a great admirer of Durand school and its head teacher, and I very much enjoyed the visit that she helped to facilitate. Unfortunately, the Bill will not be able to help Durand, which is a primary school. The Bill does not allow primary schools to sponsor academies. Indeed, when I suggested that primary schools themselves become academies, the Minister for Schools and Learners said that that idea would send a shiver down the spine of every parent. I presume that the hon. Lady, like me and like many other members of her party on the Back Benches, agrees that primary schools should be allowed to become academies.

Kate Hoey: I personally agree with primary schools being able to become academies. I am not saying that I speak for my colleagues on the Back Benches. I probably do not speak for some of them, but I would like to see that. I want to see a Bill—the present Bill may not contain such provision—that gives powers that make it easier for the vision of state schools such as Durand to become a reality. Much of that involves making sure that local authorities do not become a barrier to progress.

A number of Members feel strongly about home education, and I have listened keenly to the debate between those on the two Front Benches. For an inner-city area, I have a substantial number of home-educated children, for all sorts of reasons, as Members know. Although it is important that the local authority knows who those children are, that should not impose a straitjacket on home educators.

It is rather sad that we seem to have put the cart before the horse. I was pleased to hear what the Secretary of State said about educating and providing training for local authority staff to give them a better understanding of home education, but I am not quite as trusting. I would like that education and training for local authority staff to be in place before I allowed them to be let loose on home providers in my constituency. When the Department talked about registration, it said:

> "Home Education registration involves more than just providing a name and address. In particular, it will require home educating families to provide information about their approach to home education".

That is very dangerous, because we are now saying that we actually want to interfere in how children are educated at home. If we believe that families have first responsibility for such education, we have to allow them it. However, that is totally separate from anything to do with safeguarding children in their homes, and that is why I feel that ContactPoint, which will come on stream in September throughout the country, will give local authorities the information that they need. A good local authority, which works with such parents positively and is not seen as going in and telling them what to do, will then be able to find ways of supporting home educating parents. They want to be supported, but they need support, not the regulation that is seen as coming in from above.

Annette Brooke (Mid-Dorset and North Poole) (LD): I agree with a lot of what the hon. Lady says, but I do not see how ContactPoint will distinguish between all those children who, for one reason or another, do not attend a mainstream school. Unless there is a notification system, there will not be a category of home education, but there will be a lot of children who do not attend a mainstream school. There may be all sorts of reasons why: they may be children about whom we are really concerned—children below the radar.

Kate Hoey: Every home educator to whom I have spoken in my constituency recognises that somebody, somewhere needs to know that children are being home educated. They are not even against people from the education department visiting and, with the right agreement, learning how they educate, because there is no doubt that a lot of home educators—probably 99.9 per cent. of them—are very good educators indeed.

I am disappointed by the fact that we seem to be rushing through the legislation. The Badman report was rushed, too. I do not agree with every word of the very fine report by the Children, Schools and Families Committee, but I agree with a lot of it.

Mr. Sheerman *rose*—

Kate Hoey: No, I am not going to take an intervention.

The Committee produced a good report, which recognised that the Badman report had not been handled in quite the same way as many other Government reports. We are rushing through this legislation, and we need to stop and look again. I very much hope that, in

[Kate Hoey]

Committee, changes will be made proving that the legislation represents soft-touch regulation. We have heard a lot from Ministers about it being soft-touch, but I have said before—

Mr. Allen: Light-touch.

Kate Hoey: Light-touch, soft-touch.

In reality, what starts out as light-touch, particularly when a local authority does not necessarily operate in the best possible way, can easily turn into something more than that—something that becomes another burden and is about controlling and changing what home educating parents do. I very much resent that, and I wish that it did not happen. I hope that the Government will still look and listen and, in Committee, change the legislation to make it much more acceptable to all those home educators who do a very fine job.

7.3 pm

Robert Key (Salisbury) (Con): The hon. Member for Vauxhall (Kate Hoey) is neither a light touch nor a soft touch; she is a very fine parliamentarian, and it is a privilege to follow her excellent speech.

Every progressive civilisation has depended for its success on the quality of the education of its citizens, both male and female. I have observed, over almost 27 years as a Member, that the most important thing in politics is ideas, open minds and progress. That has been the great tradition of western democracy since the age of enlightenment, but the greatest ideas are usually ruined by rules and regulations and the fine print that follows them, and I am bound to conclude that the authors of this Bill could not see the wood for the trees.

That is why I commend the intellectual approach of my hon. Friend the Member for Surrey Heath (Michael Gove), and I pay tribute to all who have followed their vocation to teach, just as I did when I left university. I faced my first class in a county secondary modern school in Cornwall; I then went to Leeds grammar school, which was an education in several senses. In my first job as a qualified teacher, I went to Loretto school in Scotland, and I am proud to be a Scottish-registered teacher; and then I spent 14 years at Harrow school. In all those schools, the quality of leadership and the scholarship of the teaching staff guaranteed the quality of education for all the pupils. That is still true, and that is why my hon. Friend is right. The issue is about a partnership between parents and teachers, with the state providing funding, unless we are talking about the independent sector, which has such an important role to play.

In my last few weeks as a Member, I do not mind saying that it is no good being rude about schools such as Eton and the people who go there. First, they do not choose to do so—their parents choose; and secondly, those schools are often the best in the world. All of us should seek to elevate the quality of education throughout the country to the best that can be achieved. It is foolish to deny that.

Mr. Sheerman: The hon. Gentleman has had a very distinguished career, and we are great friends outside the House. However, it is very easy to run a successful educational programme in the independent sector if one excludes all the poor children and all the children with special educational needs, and if it does not represent the communities in which most of us live. That is the difficulty, and sometimes people in the independent sector ought to have more humility in respect of what they claim for their schools.

Robert Key: In responding to the distinguished Chairman of the Children, Schools and Families Committee, I should say only that that is why, ever since 1946, the independent sector has endeavoured always to broaden its interest and intake and to provide more scholarships. But what has been the response? All the scholarships that were available to poorer children have been restricted, and since this Government came to power no scholarship amounting to more than 50 per cent. of the fees has been allowed. That is a retrogressive policy, and I deplore it.

I fear that the Bill has missed the point. As Baroness Walmsley pointed out in the other place, we have had more than 1,200 regulations since 1997, and they have added up in words to more than the combined works of Shakespeare. That is not clever, and I agreed so much with Lord Sacks, who, in the other place on 26 November 2009, reminded us that not everything that matters can be measured; not everything that counts can be counted; and not everything that is valuable can be valued at a price. Of course, that is true.

As a veteran of the 1983 Select Committee on Education, Science and Arts and, I think, the only survivor of the Committee stage of the 1988 GERBIL, the great Education Reform Bill, of the now distinguished peer, Lord Baker, I can observe that the Bill before us is really not worth most of the paper on which it is written. Clause 23 alone, on the licence to practise, would be enough to erode the morale and confidence of most of the teaching profession.

There is, however, an aspect of the Bill to which I want to refer, because I support it strongly. That aspect is represented by clauses 10 to 14, on personal, social, health and economic education. It is a clumsy phrase, and I absolutely agree with the hon. Member for Nottingham, North (Mr. Allen) that, if we can think up something snappier that means something to people, so much the better. However, parents are responsible for providing a moral dimension to the education of their children, and, in my ideal world, where marriage would be the norm but stable relationships would be the best equivalent for everybody else, parents would take on that responsibility.

Such education would be not just about the biology of sex, but about the moral framework—about marriage, stable relationships and all those virtuous things that lead to stable communities and a stable society. We cannot force parents to do it, however. Some parents do not want to; some do not think that they are very good at it; and some would rather that doctors or, indeed, teachers did it instead. Someone must do it, however, and after more than 25 years as a Member one of my regrets is that Parliament and successive Governments have failed to encourage young people, over several generations, towards a more mature understanding at an earlier age of how to respect their bodies, friends and communities. It is much better that teachers should do this than pornographers, drug-pushers, people-traffickers or criminals, and that is why clauses 10 to 14 should be supported.

The hon. Member for Nottingham, North said that people outside this place, on the estates and in schools and communities, do not have a clue what this is all about. I think he is right. In fact, it is worse than that, because most people inside this House do not have a clue what it is about either. Those of us who have been here for a long time and have been talking to our education authorities, social workers and hospitals—accident and emergency departments, and so on—realise the enormous challenge that young people face nowadays that we did not face when we were their age.

The whole question of sexually transmitted infections is now the biggest public health issue in most of our constituencies, and that is fuelled by access to alcohol and its low price: it all goes together. That is why I very much welcome clause 11, particularly subsection (4), which defines, from paragraphs (a) to (g), exactly what is meant by personal, social, health and economic education. In terms of public health, we must be hard-nosed and realistic about the temptations faced by young people on our streets in our constituencies on Friday and Saturday nights, with large volumes of alcohol, binge drinking and irresponsibility all around. That can lead only to the A and E department of a hospital, where one will find, if one asks people quietly, that on a Saturday night they receive teenage girls who have had between 20 and 30 units of alcohol over a period of four or five hours, and who are legless and likely to have engaged in sexual activity that has been dangerous for them. In all this, do we not usually blame the girls? Is it not those bad gals who cause all the trouble because they are the ones who get pregnant and cause all the teenage pregnancies? In fact, it is the young men who cause the trouble, not the girls, and it is time that we addressed that. I hope that the Bill will lead to a huge improvement in the quality of education of our young people that takes on board the importance of educating young men, just as much as young women, about their social responsibilities and relationships.

I mention in parenthesis a remarkable phenomenon that should be happening right across the country—the emergence of street pastors. I helped to launch a street pastor scheme in Salisbury last autumn. These people are not busybodies who wish to go about preaching to young people—far from it. They want to be there quietly to help at critical moments at times of critical decisions when young people—it is usually young people, but not exclusively—have had a little more to drink than they should and have to decide whether to stop or how far to go. For those young people to find alongside them experienced, trained people to whom they can talk is proving to be a great benefit, certainly in Salisbury and I believe elsewhere.

I commend the report on alcohol published last week by the Select Committee on Health, because that, too, recognises the significance of cheap alcohol. I have come to the conclusion over all these years—Parliament has been discussing this for 26 years, to my certain knowledge—that we have gone much too far in making alcohol cheap and more widely available. We will not address this problem satisfactorily until we go for minimum unit pricing, and we will have to start to restrict the number of outlets and police the whole thing much better. If one asks any police force, certainly mine in Salisbury—Salisbury, for goodness' sake: that wonderful, safe, beautiful city, which has so few problems compared with most—one will find that 80 per cent. of crime is still committed by people with alcohol-related intent. That is the bottom line, and we really must do something about it.

Then we come to the whole question of the education of our children and how we can best get it across. I make a plea that this Government, in their dying days, and the incoming Government carry on from where my hon. Friend the Member for Surrey Heath started in bearing in mind the intellectual approach to take towards education. Before rushing into the thicket of undergrowth and muddle that is in the Bill, the House should bear in mind that British education is still the envy of the world, that English is still the most important language in the world, and that it is our duty to future generations to uphold the primacy of ideas over regulation. It is our duty, as a nation, to guard with pride the intellectual endeavour of western Christendom and western civilisation, and that depends on the quality of our education.

7.15 pm

Caroline Flint (Don Valley) (Lab): It is a pleasure to follow the hon. Member for Salisbury (Robert Key). I remember that when I was Public Health Minister there was much that we could agree on, as in his speech today, as regards young people and their health, opportunities and aspirations in life.

I am pleased to speak in the debate on the Second Reading of the Children, Schools and Families Bill. As an MP of 13 years, I have seen a lot of changes in my constituency. Back in 1997, our aspiration was just to get indoor toilets in so many of our schools with dilapidated buildings and terrible outside toilets that were not a joy for the pupils, the teachers or the cleaning staff. Since that time, we have seen the refurbishment of very many schools, with more than £100 million spent on new school buildings. We have three new secondary academies and four specialist schools. We have seen improvements across Doncaster, although I would be the first to admit that there is still some way to go. In 1998, 34 per cent. of our pupils got five A to C-grade GCSEs. If one compares that with the proportion in 2009—71 per cent.—there is no doubt that there have been changes, not only through resources but reforms that have meant that the outcomes and prospects for many children in Don Valley and Doncaster are better than they were some years ago.

The Bill tries to look further at how we get the right balance between rights and responsibilities, not only for schools and staff but for pupils and parents. I congratulate my right hon. and hon. Friends on the Front Bench on seeking further to address these important issues. As a former member of the Education and Employment Committee, as it was then, I know only too well how important leadership is in schools. Under the chairmanship of my right hon. Friend the Member for Barking (Margaret Hodge), we undertook an inquiry into the role of the head teacher in that context. To be honest, nothing changes—the head teacher's role as leader of a school was as important then as it was decades before, and it is as important today as it will be in future. More support should be given to head teachers in tackling underperforming teachers in their schools. If that is not done, it does not serve the school, the pupils or their parents, and it certainly does not serve other teachers who are having to cover for those who are not up to the job.

[Caroline Flint]

A lot has already been said—I will not repeat it—about pupil and parent guarantees and home-school agreements. I think I understand why my right hon. and hon. Friends want to enshrine guarantees for pupils and parents in our communities, which is a worthy aspiration. However, I am concerned about how they will be enforced and understood by pupils and parents, and about exactly what would trigger the point at which a parent might go to the local government ombudsman to tackle an issue they are worried about. Alongside that, I am concerned about the time taken and the number of cases that the ombudsman might have to take on. Over several years as an MP, I have had to work on behalf of constituents with the local government ombudsman, and I know that they are not exactly underworked in the number of cases that they have to take up in a whole host of other areas. I hope that that will get further attention in Committee.

On home-school agreements, as a parent rather than as an MP I have seen three children go through GCSEs, A-levels and degrees under a Labour Government, and two are currently looking to do postgraduate qualifications as well. Before that, I happened to have them attending a school that was already providing home-school agreements, which the Government of the time had not enshrined in law. The agreements are important, as it is important for a parent when their child starts a school, whether primary or secondary, to have a baseline of what is expected from them and their children. They should also know what they can expect from the school, both in standards of education and in pastoral support, which is very important for children's well-being.

I am concerned about where home-school agreements are going and how much more work might be needed to personalise each one to meet the needs of every child. Hon. Members have outlined that concern in this debate. As a parent, I hope that when it comes to the educational needs of my children, and those of my constituents and of every parent in the country, that personalised attention takes place through their form tutor in each year group. Parents engage in their child's education in different ways, such as through the parents' meetings that they should have and the information that they receive about their child's success or otherwise. That should be an ongoing process, and I am concerned that we may be trying to mix that up with home-school agreements too much.

Another point that I wish to make about home-school agreements was made to me by a head teacher in my constituency recently. Clarity is needed about the consequences for those parents who do not abide by their responsibilities. In most schools, as the agreements stand, an overwhelming majority of parents fulfil what is expected of them. A very small minority do not, and that could be to do with attendance at school, supporting the improvement in their child's behaviour and so on. Head teachers tell me they do not really know where they should go and what they should do when that breaks down completely. The Bill mentions the courts and parenting orders, but some of the head teachers to whom I have talked do not realise that they can already use parenting orders. We need to ensure that where they already have powers, they know how to use them appropriately.

The matter needs attention, and a parenting order, parenting contract or acceptable behaviour contract—whatever we want to call it—may be necessary. At the moment, as with all sorts of matters to do with rights and responsibilities, the question is what to do when the responsibilities are not taken on and what sanctions there are to make a parent engage. The vast majority of parents do so, even those who are having difficulties and challenges with their children, but some refuse, and teachers often feel that there is not a lot they can do.

The new duty on local authorities requires them proactively to seek parents' views on the range and quality of secondary school places in their area. I am interested in that, and I understand that it is focused on the year 5 age group. Perhaps there is something to be said for asking parents of children in other year groups, who have already gone into secondary education, what they think about the experience and the choice.

I was concerned recently when I took up a case on behalf of a Catholic primary school in my constituency. The local education authority was going to cease to provide funds for buses for the children from that school in Edlington, a deprived area by anyone's measures, to go to a local Catholic secondary school. I understand that there have also been cuts in bus services to other schools. There are four specialist schools in my constituency, and part of the role of specialist schools was to offer children who excelled in a particular specialism the opportunity to go to them. If local authorities cut the means of transport to them, what choice is there for those children's parents? That needs to be attended to.

I very much support the idea that schools should consider supporting the wider community and be able to use their delegated budgets to invest in doing so. Given the amount of money that has gone into improving our schools and building new ones, it seems only right that we should see them in the context of the wider community. There should be opportunities for other community organisations to benefit from a school's facilities, but also to help schools and work with them on the issue of families in the community. There are other community organisations that can help the staff of schools provide better for their pupils.

I would also like schools to have an opportunity to have far more control over their finances in planning ahead. There have been headlines recently about the number of schools sitting on reserves. I shall not justify or defend schools that sit on huge amounts of money that could be better spent in their school community, but there are times when a school has to plan ahead for its needs, for example when year groups are changing and a large number of children are coming into the school because of the number of births locally. That will have an impact on spending in that school and the number of staff it needs to employ. In one year, school numbers might go up—

Mr. Deputy Speaker: Order.

7.25 pm

Mr. Andrew Turner (Isle of Wight) (Con): I must confess that I find the Bill, and particularly the provisions for the regulation of home schooling, deeply troubling. I am sure that many Members will raise the issue, so I shall endeavour to be brief.

Education is the gateway to a better world. Nothing should be done to prevent children from flourishing and learning in the environment best suited to them, in school or out. As many Members on both sides of the House have acknowledged, education is primarily a parent's responsibility, not that of the Government. It is up to parents to select the form of education most beneficial to their children. For a variety of reasons, the schools system is not for everyone. Some just choose the home; others fear bullying or the increasing size of schools and the associated problems, and some children are not allowed to thrive within the system.

Although every child must receive an education, schools are not the only way to deliver it. Obviously, such a gap can be filled by the work of parents through home schooling their children. It is estimated that between 20,000 and 80,000 are currently home schooled. Though some may disagree, I argue that home educators understand the responsibility placed on them. They understand that the responsibility for a child's schooling falls on nobody but the parents. Unfortunately, in yet another example of a Government obsessed with conformity, the independence that home educators currently enjoy is to be placed under threat. The plans in clause 26 to ensure that home educators conform with the requirements of the national syllabus will stamp out the individuality that many home-educated children cherish. Is not the whole point of home schooling the provision of an alternative channel for education?

Before Christmas I met a group of constituents, all home educators, who were concerned about the recommendations of the Badman report. I also met some of their children, who were some of the most articulate and erudite young people I have met. Most of the parents spoke of having schedules for teaching, but in keeping with educational flexibility so as to best fit a child's needs. One of them told me of her son spontaneously developing a liking for Roman history. Because she retained responsibility for her son's best interests, she was able to take a trip to a Roman villa the next week. Such a trip would have been impossible under the annual education plans that the Bill may well set in stone. If modern society has taught us anything, it is that we have to acknowledge everyone's uniqueness. The Bill appears designed to move us in the opposite direction.

My other concern revolves around the level to which the Bill extends the state yet further into people's lives. One of its provisions is to allow local education authorities, when neither child nor parent objects, to interview home-schooled children on their own. The phrasing of that part of the Bill, particularly the use of the word "may", has been constructed far too loosely to be of reliable guidance. How can a measure confer a power on a local authority without detailing the full criteria for fulfilling that responsibility? Furthermore, under the Bill, interviews will be conducted in

"a place where education is provided to the child".

From a civil liberties perspective, that paints a dangerous picture of approving authorities' incursion into private homes.

What would be the consequences of a parent's not consenting at any stage to a child's being interviewed on their own? Such interviews may place the child in a distressing environment. They also underline the contradictions at the heart of the Government's approach. Pupils are not interviewed about teachers, so why should sons and daughters be interviewed about their mothers and fathers? Furthermore, interviewing children alone gives the impression that parents are not to be trusted or have done something wrong. Indeed, the level at which the Government aim to monitor parent-child relationships is tantamount to saying that a parent willing to spend time with their child is somehow in the wrong.

Such intrusiveness into parents' lives is bad enough, but the detrimental effects on children's education and well-being are even more dangerous. The Government seriously need to reconsider the case for granting the new powers and requirements—not only the powers, but the Government's perspective on the issue. I understand the Government's wish to achieve the best for everyone, but their methods simply do not work.

Before attending to home education, the Government must first deal with those already in the system who do not achieve as they should. They should tackle those who are absent from education partially or altogether. Too many bright futures have been sucked into the mire of destructive social circumstances. The Bill is directed at the wrong children in the wrong fashion.

Indeed, no Bill has dealt successfully with those who have sex when under 16. Conception rates for those under 16 have increased from 7.8 to 8.3 per 1,000, which is 8,200 pregnancies. Those children are far too young to become parents.

Of course, I am aware that children's well-being is one of the Bill's motivations. The Government are concerned that home schooling may be used as a cover for child abuse or forced marriages. Certainly, that must be dealt with, but in a far more consultative manner. Greater consideration must be given to the vast majority of home-schooled children who benefit immensely from their parents' dedicated work.

A scheme of self-regulation, rather than imposed conformity, is the best way to balance children's education with children's safety. One must not be sacrificed for the other, because education is the gateway to a better world. The longer we prevaricate on the most fundamental decisions and the longer we institute misguided legislation such as the Bill, the longer we deny the next generation the greatest opportunity to realise their fullest potential.

7.33 pm

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): When I first examined the Bill, it made me consider how best to assess a measure on Second Reading. I have the advantage of chairing the Children, Schools and Families Committee, and therefore the further advantage of considering, in the past two years, the three main pillars on which educational reform was founded 20 years ago. My remarks today are in that context.

We have considered testing and assessment and the national curriculum and, last week, we published our report on school accountability. The Bill is about all those matters. The measure is a bit of curate's egg. All Governments should learn that legislation is best when it has been tested and piloted or, if not, given to people who genuinely know about the subject so that they can conduct an independent inquiry. Even better, if there is time, is a pre-legislative inquiry by the Select Committee. We have not conducted such an inquiry on the Bill.

Let me comment quickly on some long overdue aspects, beginning with the special educational needs provisions. The Lamb inquiry was set up by the then Education

[Mr. Barry Sheerman]

and Skills Committee, predecessor of our current Committee. It made strong recommendations on special educational needs and was a fine report—I think that one member of that Committee is still in the Chamber this evening. We made strong recommendations for giving special educational needs students a proper chance so that they are not faced with a patchwork of provision throughout the country, with provision depending on where they happen to live. Some students and families were getting the right support while others got poor support.

I note that the Bill does not contain something to which we always thought we would go back—one never has time to revert to all the things that one discovers when conducting an inquiry. It is the dreadful lack of capacity, support and opportunity for special educational needs students when they get to 16. That is crucial. The ages of 16 to 18 are extremely difficult for special needs students, even when they have had a good deal, good support, been statemented and got everything that they should have. The ages of 16 to 18 are difficult, as are the ages beyond. Perhaps the Select Committee will have time to revert to that.

I was more hesitant about the reform of the primary curriculum and about including Sir Jim Rose's proposals and recommendations in legislation. Our report on the national curriculum showed that we need a much more coherent approach. People ought to know where they are travelling, starting at the earliest stage, when a child is born, and continuing right through to the ages of 18 and 19. There should be a coherent national curriculum that joins up. At the moment, we have bits of curriculum and great disjunctions in it. The most famous happens at the age of 11, but they happen even at seven, and then at 16 and 18. A person setting out on the journey of life and education is not, even with best endeavours, offered a curriculum that makes sense to both the child and the parent.

Jim Rose conducted an inquiry on the primary national curriculum, and there was also the Cambridge inquiry, which the Government did not like as much, but neither inquiry was right. The results did not mesh with what comes afterwards or with the important foundation stage, which the Select Committee supports wholeheartedly. Bits of the curriculum for specific years are taken, an inquiry is conducted and proposals are made, without seeing those bits as part of one offering.

Most of us agree that putting personal, social, health and economic education on the timetable is a good idea. I am not sure whether it should be in the national curriculum; when we examined the national curriculum, we said it was overfull. We pointed out that academies had much more choice and flexibility and could choose their priorities after the basic subjects had been included in the national curriculum. We asked why, if that approach was good enough for them, it was not good enough for the rest of the schools.

The national curriculum is too full. Although I like the idea of everyone having decent PSHE education, simply placing it in a compulsory curriculum, which is already full, without changing it and granting more flexibility, is worrying. Ken Boston once told me that the trouble with PSHE and things like it is that they are given to the gym teacher with the gammy knee to teach. We need high-quality people who are trained to do PSHE well if it is going to be taught to its full extent.

Mr. Allen: If we are going to have anything at all in the national curriculum, it must be the basics. Every child should be entitled to them. Hitherto, we thought that that meant maths and English, but actually, in order to learn and come to an appreciation of any academic subject, people need those basic social and emotional capabilities. Without them, the rest of the curriculum is denied to people. That is why PSHE has to be in the national curriculum—for areas such as mine and my hon. Friend's, where many people cannot access it.

Mr. Sheerman: My hon. Friend may well have won me over. What I was trying to get at is that I would have liked a real, holistic change to the national curriculum, so that the vital PSHE fits in well.

On the accountability framework, the Committee published a report on accountability last week. We looked at the matter right through from governing bodies to Ofsted and the new school report card. We found in favour of the school report card and rather liked the school improvement strategies that it underpinned. However, we also found that Governments only ever introduce new forms of accountability, and never take one away, and we are worried that there are now five levels of accountability. The Government are well intentioned and want to move away from the reliance on the publication of tables of the results of tests and examinations, and the school report card will help, but I suspect that it will not be enough to strike the balance that most people in our schools—heads and teachers—want.

Heads and teachers feel tremendous pressure from the different forms of accountability. In particular, they are very worried about accountability through Ofsted. The Committee found Ofsted to be over-large and overburdened—it has now extended into child protection—and we wonder whether an inspection over a day and a half is as good as it could be. Does a lighter-touch inspection, if it is too light, lead the Ofsted inspectors to rely much more heavily on the statistics and test results that they read on the card before they go into the school to do an assessment? The school is where the vital thing happens, but the quality of teaching in the classroom carries much less weight in the balance.

On the licence to practise, I take it that at last we have got to the stage—this seems to be the subtext—at which we have a highly regarded work force with proper qualifications and a five-year renewable licence. I believe that that is probably the way to go, but we will not get there without offering high-quality continuing professional development. Death by PowerPoint is not the way to deliver CPD. CPD must be high quality and delivered alongside that licence to practise. I suspect that part of the Government's agenda with the licence to practise will be to weed out teachers who are not up to the job, which I suppose is a very important aspect of it.

Lastly, the Committee wrote a good report on home-educated children, and the matter has been much discussed in interventions. A very significant percentage of home-educated children are wonderfully educated. I was very impressed by the parents and children I met, but I also believe that we must know where our children are. The Committee came to a compromise view. As the Government were offering a system with a compulsory register with no fines, action, penalties or sanctions, we asked them whether they should try a voluntary system for two years as an olive branch. We said that if that method did not work, the Government should go for a compulsory system.

That was a rattle through the issues. There are some good and some not-so-good provisions in the Bill, but we could say that of all Bills.

7.45 pm

Mr. Henry Bellingham (North-West Norfolk) (Con): It is always a pleasure to follow the hon. Member for Huddersfield (Mr. Sheerman), who is an eminent Chairman of the Select Committee. I listened with great interest to what he said. He contributes a huge amount to debates on education and to Second Reading debates on education Bills.

I declare an interest as a lawyer and I shall focus on part 2 of the Bill, but I shall also say a few words about the main part of the Bill. We can of course wholeheartedly support some provisions in the Bill. For example, I support the improvement in, and widening of, the appeals system for children with special educational needs, and the idea that academies should be exempt charities. However, what the Bill reveals most starkly is the fundamental divide between the Government and the Opposition when it comes to trusting the teaching profession and professionals generally.

We trust professionals to get on with their jobs and to deliver high professional standards without the need for extremely detailed, top-down prescription. Unfortunately, the Bill is far too prescriptive, the result being that it will mean more bureaucracy and litigation, a reinforcement of the risk-averse culture, and a stifling of professional self-esteem. That very damaging approach flows through and characterises so much of the Bill. The result is that the good parts of the Bill are overshadowed by top-down micro-management.

The Government believe very firmly that Ministers and Whitehall always know best. On the other hand, my hon. Friends on the Opposition Front Bench and I take the view that the way to raise educational standards is to reduce the target culture and bureaucracy and truly trust the profession.

My starting point on part 2 of the Bill is that the rules governing family proceedings must protect children's welfare. That is why a substantial element of privacy is essential, but there is a big difference between privacy and secrecy. Privacy means allowing reasonable access and reporting while protecting the welfare and interests of children, as happens every day in the youth courts in this country. Secrecy is a totally different matter, because it means holding proceedings completely in camera.

For a number of years, there has been growing concern about the lack of transparency and openness in the family courts. It is interesting that the campaign run by *The Times* in the summer of 2008 was welcomed not only by the different fathers groups, which protested vigorously, but by the legal profession, which had a big input. At the time, the president of the family division, Sir Mark Potter, and a number of eminent High Court judges, said that the lack of openness and transparency was damaging the reputation and image of the family courts. Those judges knew that they were dispensing justice to a very high standard indeed, and furthermore that the vast majority of decisions being made in the family courts were correct, but unfortunately, their reputation and that of their courts were coming under pressure and being tarnished by adverse criticism by a small minority of litigants.

Sir Mark Potter addressed the proposals for more openness and transparency in a letter at the time of the campaign. He said:

> "Not only would it enable the court's reasoning to be understood; it is likely to justify decisions in the eyes of the wider public. It will certainly ease the frustration felt by many judges that they cannot respond to criticism in the media based on one-sided accounts by aggrieved parents".

That was the view of Sir Mark Potter; what he said at that time, which was echoed by many other family judges, was absolutely spot on.

We had a whole series of consultation papers from the then Department for Constitutional Affairs, now the Ministry of Justice. We also had a number of other initiatives from the Government. The broad conclusion was that the obvious way to improve transparency and openness was to allow the press and public into family courts, albeit subject to appropriate reporting restrictions and, obviously, the ultimate discretion of the judge. We had a false start with the Government statement in 2007, when they said that they would not go as far as was originally suggested, which triggered the campaign by *The Times*. We then had the statement by the Secretary of State for Justice, in December 2008, when he announced that the media would be allowed to attend family hearings, subject to the discretion of the judge and reporting restrictions. He then announced that written judgments would be piloted.

I am slightly concerned about the two pilots—the first involves the magistrates courts in Leeds and the magistrates courts and county courts in Cardiff, the second the magistrates courts and county courts in Wolverhampton. Anonymised judgments and reasons will be placed in the public domain, which is something for which we have argued for some time. However, it is incredibly important to get the details correct and ensure a proper and comprehensive evaluation of the pilots. I am slightly concerned that the Bill is moving too quickly and that we should have a chance to conduct a proper evaluation of those pilots before moving to the next legislative stage, with the provisions in the Bill.

As I have mentioned, I broadly support most of part 2 of the Bill. However, I am concerned that many of the revisions are incredibly complex. I declared an interest as a lawyer at the start of this brief contribution, but I had to read the various clauses and the explanatory notes, as well as talk to friends at the family Bar, to get a handle on those revisions, which are very complex. I support what the Secretary of State said about the phasing and the sunset review, but the scope and effect of the revisions are, in places, most uncertain. Unfortunately, the simplicity, clarity and workability of the youth court model has not been followed or emulated in the Bill. It is interesting to read what the Newspaper Society, the Society of Editors, the Press Association, ITN and the BBC said in their recent letter to MPs:

> "If journalists are not confident in the application of the rules, they may be deterred from reporting the family courts at all and the central objective of this entire project—greater public accountability and scrutiny—may be"

[Mr. Henry Bellingham]

put at risk. This is not an attempt to volunteer to serve on the Committee, but there is certainly a great deal of scope for making the provisions less complex and more easily understood.

I want to say a quick word about the default position contained in clause 32(2), which is that unless it is specifically exempted by the Bill, any publication could be in contempt of court. Surely that is the wrong way round. Surely it would be better to reverse that default judgment, so that there was a presumption in favour of all instances of such information being published, unless prohibited by the court. After all, that is exactly what will apply to the publication of orders. I see no logic in saying that the same should not apply to the publication of judgments. Perhaps the Minister could comment on that in his winding-up speech.

On the anonymity provisions, obviously it is essential that minors and certain other individuals should be subject to anonymity. However, my reading of the Bill is that it extends anonymity to all parties involved or referred to in proceedings, other than paid, professional expert witnesses. Surely automatic anonymity should be limited to the key parties, with the judge having the discretion to extend that more widely if need be. I very much hope that the Minister will look into that issue and that it might be picked up in Committee. Perhaps he could also talk to his colleagues in the Ministry of Justice about the pressure that the extra requirements of the anonymity framework are likely to put on Her Majesty's Courts Service. Will it require extra resources? What effect will that pressure have?

The Government originally said that they would not reverse Clayton *v.* Clayton. However, it is my understanding that the Bill will do just that. Could the Minister also comment on that in his winding-up speech?

It is vital that the concerns of the many organisations involved, such as Resolution and the Law Society, are considered and dealt with. It is important that we should get part 2 right, because it is hugely significant. We owe it to a vulnerable part of the community—the children who appear in the courts—to ensure that part 2 is well crafted and has the support of as many people as possible working in the courts.

7.55 pm

Mr. Graham Allen (Nottingham, North) (Lab): It is always a pleasure to follow my friend, the hon. Member for North-West Norfolk (Mr. Bellingham). He delivers his speeches like he plays his cricket, with a stout defence and the occasional flashing, brilliant shot, but also with the tendency to take his eye off the ball on occasions—a tendency that I shall avoid the temptation to take advantage of this evening, because we are discussing such a serious issue, particularly for my constituents.

I represent a constituency that sends the fewest number of kids to college and university, has the highest teenage pregnancy rate in western Europe, and has profound and severe problems of deprivation. That is why, for me, the most important thing in the Bill is what I would call the life skills part—the part dealing with teaching our babies, children, primary children and secondary young people the importance of some of the basics that most of us here learned at our mother and father's knees. Many of those skills—the basic social and emotional capabilities—are not in place in constituencies such as mine. If they are not there, we have a choice: either we can spend billions of pounds on remedial action when things go wrong, complain about the problem, turn our teachers into crowd control experts, put money into our courts and magistrates courts, and pay for people to spend a lifetime on welfare benefits; or we can do something about the problem. The great thing that the Bill does is take another step towards having the capability to help young people when they need it.

PSHE, as it is called—we really have to do something about that; we should change the name to something that means something to people on the ground, such as "life skills"—is not, on its own, a magic bullet; it is part of a package of early-intervention measures. In Nottingham, we have been fortunate enough to put a number of those measures in place, but we need the rest of the jigsaw. Those children need to know that they can access the great world of learning because they have the skills and capabilities to do so—the skill to listen, the skill to pay attention, the skill to be self-disciplined, the ability to reconcile arguments without violence, the ability to aspire to learn, and the ability to want to get qualifications and go on and get a decent job. That is why the Bill is so important.

Mr. Sheerman: Does my hon. Friend agree that the skills that he is describing demand a highly professional delivery and highly trained members of staff?

Mr. Allen: My hon. Friend is absolutely right. That is why the first thing that we did in, effectively, our pilot—we are piloting the idea before the Government have introduced the legislation, through our 11-to-16 life skills programme, which I was fortunate enough to be instrumental in establishing, as chair of the local strategic partnership—was to dedicate some £400,000, from a very small budget, for basic training, so that the basic materials were in place. That was so that the teachers were not, as someone said earlier, teaching those basics after lessons in the gymnasium or running stuff off the photocopier, but understood the aim and were trained and passionate about ensuring that all young people had those basics in place.

In addition, leaving aside a bit of petty partisanship from all parts of the House, I would like to say a few words of thanks—not in the normal way, perhaps—to the Front Benchers for the serious way in which they have debated the issue and, except for a bit of fraying around the edges on sex and relationship education, for the basic consensus on the fact that we need all our kids to have those fundamental life skills in order to take advantage of education. I commend the way in which all Front Benchers have done that. I should also like to add a little historical footnote to the debate, by mentioning the debt that we all owe to my right hon. Friend the Member for South Dorset (Jim Knight) for his work on this brief. He worked very hard to ensure that it was going to be part of the Bill, and he deserves our commendation for that.

I say all this not because I am soft, non-partisan and not in favour of my own party's viewpoint on various issues, but because of one simple fact: if we ever break the intergenerational cycle of deprivation in this country, that achievement will not be the property of just one party—the Labour party, the Conservative party, the Liberal party or any of the minority parties. All will have to be signed up to the consensus on giving every child the abilities that will enable that child to make the best of himself or herself. I think that we are quite close to achieving that.

There was a period when the debate revolved around one side saying that the other side wanted to hug hoodies, and the other side retorting that their opponents wanted to put antisocial behaviour orders on embryos. However, the level of maturity in the debate over the past two or three years has been to the great credit of Members in the House and to the spokespeople here who have taken this issue much further than we thought we might have done. What is it that we have taken further? It is the process of early intervention, and the laying down of the bedrock that will enable all kids to do well, as part of a complete raft of measures, rather than just as a one-off.

Mr. Brian Jenkins (Tamworth) (Lab): Does my hon. Friend realise that one of the biggest factors among parents is low expectations, bridled with the celebrity culture in our society, which allows young people to think that they can get on in life by becoming a celebrity rather than by determined hard work?

Mr. Allen: There are many things that flow from having effective social and emotional capabilities. That will impact on teenage pregnancy, and it will impact massively on aspiration. A young person who is rounded, self-confident and aware of their ability to interact with others will make much more of themselves than a child who is not, often through no fault of their own but perhaps through ineffective parenting in the early years. A child who has those capabilities will aspire, seek employment, and have the desire to attain educational qualifications, and will not get into trouble with the bad lads or get involved in vandalism and antisocial behaviour. We must give those children that most precious, lifelong gift, to enable them to do the best for themselves. That is the absolute antithesis of the nanny state. The proposals represent an important step towards achieving that, and the Government are to be commended for introducing them.

I want briefly to respond to a point raised by my right hon. Friend the Member for Don Valley (Caroline Flint). She described the desperation of reaching the end of the line with some parents, and the necessity of imposing a parenting order. I hope that I am not putting words into her mouth, but is it not a kind of failure to have reached that point? I do not want to suggest that I am waving a magic wand, but we need to get to those kids and their parents earlier than that point of failure, because penalising them is not the way to make progress. If we can get to them much earlier, they will be able to make their own way.

Caroline Flint: I totally agree with my hon. Friend. I was very proud to be involved in one of the trailblazer Sure Start projects, but the fact is that we do not start with a level playing field. Some parents are out of control in their approach to parenting, compared with what we accept as the norm, and something has to be done about that small minority who are working against the school and the wider community.

Mr. Allen: That is why this issue is intergenerational, and why we must look at the new-born of today as the parents of tomorrow, and help them to become the great parents of tomorrow who will, in turn, raise good kids. That is something that we all have to share.

My hon. Friend the Member for Yeovil (Mr. Laws)—I will call him my hon. Friend—talked about one-to-one tuition and when that approach should be taken. I am not privy to the nuances of Government policy, but I know that if we are going to do one-to-one tuition, we should do it early, not late. We should not give one-to-one tuition to the 16-year-old who is banged up in a secure unit; we should give it to the 16-month-old who could otherwise become that child later on. We should get to work early on one to one, if there is a choice. I think that the Government have got that right, although I wish that we could extend the provision across the whole age range. If a choice has to be made, however, it must be that one.

I was talking to the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) about life skills before we came into the Chamber—[HON. MEMBERS: "Surely not!"] I have no secrets to tell. I hope that he will not mind my repeating that we are not just talking about sex and relationship education, or about financial capability, or about the things that are in the current PHSE curriculum. I am talking about something much more fundamental—namely, the basic ability to interact, to have empathy with other people, and to sit and listen and learn. That is what I mean by social and emotional skills. I hope that I went halfway towards convincing him that those things make a much richer, more fundamental contribution to what we can all become. That, in turn, can make English, maths and all the other academic subjects much more accessible.

I hope that I can blow the trumpet for my own city of Nottingham. We started teaching life skills for 11 to 16-year-olds a year before this legislation was introduced. We started in six of the 14 secondary schools, and it is proving to be a great success. We did the training first, as my hon. Friend the Member for Huddersfield (Mr. Sheerman) pointed out, and there are many lessons that I hope we can learn from Nottingham. Perhaps my Front-Bench colleagues will come up and see how we are training, consulting the students, and allowing local variations so that we can hand-make the local curriculum. Yes, it is compulsory, but we must ensure that the curriculum for a special school is different from one for a pupil referral unit or for a conventional secondary school. All abilities need to be involved. All our agencies are involved, we are piloting this effectively and we have effective evaluation in place. We think that the Government could learn from Nottingham, and we wish them well with these proposals.

8.8 pm

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): It is a great pleasure to follow the hon. Member for Nottingham, North (Mr. Allen), who made a thoughtful, thought-provoking and excellent speech. We can all agree with him, and I know that he has the best interests of children and young people at heart.

I should like to echo the remarks made earlier, and to send my condolences to the family of the late Member for North-West Leicestershire. He was an independent

[Mr. Elfyn Llwyd]

and fearless parliamentarian, and he will be genuinely thought of with great affection across the House for many years to come.

A number of hon. Members have already mentioned the Badman review, so I shall talk about it only briefly. It strikes a slightly discordant note, in that some of it has the taste of the nanny state about it. I was asked recently what plans the Welsh Assembly might have to use the new powers granted in the Bill. They will relate to England only, and could be introduced by Measure in Wales if the National Assembly believe that to be appropriate. My understanding is that there will be an early debate on this issue in the Assembly, but I believe that it will take a rather distinctive approach, in line with Welsh education policy. One of the first things that the Assembly did was to abolish standard assessment tests—SATs—and it was quite right to do so. I believe that there will be an in-depth consultation and that Badman will not be put into effect, at least in that manner, in Wales.

As hon. Members know, there has been a groundswell of concern about the Badman report. On 8 December, I presented to Parliament a petition on behalf of my constituents, and on that very day no fewer than 16 other petitions were presented. At the moment, I believe that there are 43 petitions about the Badman report. This is a live issue of great concern to many of our constituents.

Mr. Graham Stuart: I heartily congratulate the hon. Gentleman on what he said about Wales not following the Government's draconian measures after the Badman report. On one day alone, more than 120 petitions from 120 different constituencies were presented in addition to those presented on other days from all around the country.

Mr. Llwyd: That rather diminishes my 46, but it does underline the great concern about the issue. I am sure that changes will be made to the current proposals in Committee—I sincerely hope so, as there is no grave concern about the standard of home education: quite the reverse. I went to university with people who had been home educated and they were probably the brightest people I ever met. They are high flyers today and they are probably home educating their own children in turn. I see no need to wield a big stick in that area.

Welsh people, of course, have a great regard for the liberation that education provides. I went to a university, Aberystwyth university college. It was built on public subscription; the one in Bangor was built from the odd pennies and ha'pennies from the rather poor quarrymen in the local area. We know how important education is and how liberating it can be.

I really believe that there are some good parts to the Bill, but there are also some rather strange parts. On the youth justice provisions, I would advocate the transfer of the relevant powers to Wales. The inclusion of youth justice within the education and young people's portfolio at the Welsh Assembly seems to make sense. In the jigsaw of society, there are a great number of interlocking pieces, where decisions made in one field influence outcomes in another. It does not make sense for a Welsh education system to introduce one set of values, evidenced by the play-based foundation phase for young children and the 14-to-19 Welsh baccalaureate schemes for teenagers, and then have to make do with a criminal justice system that does not adhere to the values we would like to see reflected in it.

My party is not the only one saying it. The Howard League, a renowned think-tank, recently concluded in its paper "Thinking beyond the prison bars":

> "The current Whitehall-led option of imprisoning such a high proportion of vulnerable children in unsafe circumstances cannot be acceptable…Despite the limited effectiveness of the criminal justice system as a lever to tackle youth crime, it seems somewhat perverse that the Assembly has access to the social welfare lever but not the criminal justice lever. If the Assembly had control of both levers then it would have the ability to move finances between the two accordingly. Money currently spent on ineffective prisons could be transferred to bolster prevention and social welfare strategies",

many of which we have heard about already. The league also drew attention to the fact that because of lack of provision, most Welsh children who find themselves in custody are held in England, far from their families. This is not simply a matter of logistics, but of culture, language and other difficulties that come along with them.

It is the responsibility of Governments to determine the exact policy, but Plaid Cymru would like an urgent debate on the devolution of youth justice to Wales. A think-piece entitled "Safer Communities", which we published in 2008, argued that in the provision of youth justice in Wales, we could learn from the example of Finland. That country has a very small number of children in custody. Instead, there is a wide variety of psychiatric and care provision to deal with behavioural problems at an early stage, which as we heard is crucial.

A comparative analysis of young people in trouble in Wales and in Finland found that Finland had smaller numbers of young offenders locked up. It accommodates very large numbers of children and young people in non-custodial residential centres of one type or another. Those include youth homes, children's homes, and interestingly, family-group homes. By far the largest number—almost 4,000—are also assisted with psychiatric problems and so forth. If England and Wales had the same number of psychiatric beds per head of population as Finland, there would be approximately 40,000. In Wales, there would be 2,220, but there are currently, in fact, only 28.

It appears that concern about child and adolescent mental health in Finland has eclipsed concerns about youth crime, and it would follow from this that behaviour that might be viewed as criminal in England and Wales might well be dealt with in Finland first and foremost as a form of disorder, or at least as something that should be addressed outside the criminal justice system.

We would like to see greater use of reparation orders—in other words, orders made in the civil courts that require the perpetrator to repair the damage that their behaviour has caused—of child safety orders for children under 10 years of age who have shown behavioural problems, of acceptable behaviour contracts and so forth. Provision for those orders is made in the Children Act 2001, but little use is made of them because, I understand, social services departments are understaffed and often underfunded.

Those tools should be expanded to include both mentoring of young people by older role models in the community and conferencing to bring youths, their families and relevant agencies together to discuss the young person's problem behaviour in order to find the causes and try to fix them. The most important issue is that the system should be child-centred and work for the benefit of the community. It is very clear from the high reoffending rate and the number of people who go from youth custody of one form or another to adult custody that we must look at alternative means of dealing with the problem.

To conclude, in discussing the devolution of youth justice to the Welsh Assembly, I have welcomed the acceptance that youth justice is included as part of society's contract with young people rather than part of the adult criminal justice system. I have also offered suggestions about the route that might be taken by a Welsh youth justice system if were we given the powers—and, of course, the funding—to implement them. There is a growing chorus of voices in Wales to devolve those powers, which could be achieved. I hope that the Minister will pay some attention to this particular plea when he responds to the debate.

8.18 pm

Andrew Miller (Ellesmere Port and Neston) (Lab): I am intrigued by the debate we have had so far, which I have tried to place in the context of things that I have watched happen in my constituency since I was first elected in 1992. One of the first things I looked at in respect of education in the area was the desperate need to raise the ambitions of young people. That fits in with many of the remarks of my hon. Friend the Member for Nottingham, North (Mr. Allen).

It is critical for the House to focus on education and to ask whether the Bill enhances what is happening locally. I shall put the Bill in the context of developments in my constituency that have brought positive benefits for the life chances of my constituents, how that has spilled over into trends in the area and whether the Bill improves the situation.

The first major change was the development of a series of new primary schools. One of the best-managed private finance initiatives—I do not mind being bipartisan about it; it was brilliantly managed—was led by what was then Tory-controlled Cheshire county council, working in partnership with all the key customers including the young people themselves. It made a difference: that group of children felt that the school really did belong to them. The initiative, together with Sure Start, began to change the life chances of young people, and I have seen it develop.

More recently, last September, we created a new academy, the University academy. It is the result of a fantastic partnership between Chester university, the local diocese and two secondary schools that have been merged. The close partnership with the university sector has resulted in new builds for both the academy and a further education college. Even in the few months involved, it has made a number of young people ask themselves a question about university: what is this mysterious place to which very few have aspired? It has already made a difference, and I commend it.

I am pleased to see that my hon. Friend the Minister for Schools and Learners has returned to the Chamber. When he visited the academy, he witnessed the leadership that, after only a few months, is already starting to make a difference. He also witnessed the results of a different Labour investment when he visited Hammond school. I am sure he will recall the extraordinary talent of young people who had benefited from the specialist investment in dance and drama that had enabled state-funded pupils to get into that elite school. All that investment has transformed the life chances of people in my constituency, who are beginning to believe that they can do better than their predecessors.

The hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd), who knows my constituency, will be aware that there were periods when we had massive unemployment among people in their mid-teens, partly owing to recessions and technological change in the big manufacturing areas back in the mid-1980s. The children of that generation are now starting to aspire towards something different, and that is encouraging in itself. I view the Bill in the context of what is happening now. The most important of the guarantees mentioned in clause 1, to which no one has referred today, is the pupil ambition

"for all pupils to go to schools where there is good behaviour, strong discipline, order and safety".

That returns us to the heart of what was said by my hon. Friend the Member for Nottingham, North, and it must be seen in the context of a two-way trade. Students cannot attend a school at which they expect to enjoy good behaviour around them unless they are part of it themselves. We must work hard to ensure that a programme of that kind is enshrined in legislation as soon as possible.

My second point relates to 21st-century schools. They need investment, and I believe that unless the investment programmes that I described earlier continue into the foreseeable future, it will not be possible for that part of the Bill to be delivered either. We need continued state investment, together with the ambitions set out in the Bill. Perhaps I can plug something to the Secretary of State. He visited a brilliant high school in my constituency in the week of the TUC conference last September, and saw the marvellous work being done in a shambolic set of buildings in Neston. I hope that the Government will move that school further up the list in the Building Schools for the Future programme.

As we have heard, the Bill also deals with home education. I too have received representations, and my petition on the subject was presented by the hon. Member for Beverley and Holderness (Mr. Stuart), for which I am grateful. There have been some misapprehensions and misconceptions about the Bill. Proposed new section 19E in schedule 1 makes it clear that there is no requirement for children to attend sessions on their own with a representative of the local education authority. I would have objected strongly had there been any suggestion that a child could be required to attend such a meeting. There is an absolute right of objection in the draft provision, and I consider that very important.

Mr. Graham Stuart: I do not think that that guarantee is terribly absolute. Although a parent may object to the inspector's entering the home to speak to the child, he or she may then be deemed to have been unco-operative in terms of one of the visits that is required, in which event the right to educate the child at home may be revoked. I would not be taken in by the superficial appearance of the provision.

Andrew Miller: I am not a lawyer, but proposed new section 19E includes the words

"unless the child or a parent of the child objects".

[Andrew Miller]

Proposed new section 19G which I should like to be strengthened a little in Committee—states that the regulations "may"—I think the word ought to be "should"—provide for the provision in new subsection (2)(b) enabling an extension of the registration period to be automatic in the event of an unwarranted draconian action of the kind described by the hon. Gentleman. I think that it is possible to find solutions.

Mr. Stuart: Will the hon. Gentleman give way?

Andrew Miller: Very briefly.

Mr. Stuart: Proposed new section 19F(1)(e) states that a local authority may revoke a registration

> "by reason of a failure to co-operate with the authority in arrangements made by them under section 19E".

We need reassurance if we are to believe that parents will not be penalised.

Andrew Miller: I have referred the hon. Gentleman to proposed new section 19G, which concerns appeals. The regulations should, in my view, provide for the registration to continue automatically in the event of an appeal.

Finally, I wish to say a few words about special educational needs. In the old county council structure in Cheshire, a significant number of SEN appeals were conducted at a very high level by volunteers. People with little or no means were reliant upon the voluntary sector to make representations on behalf of their child within the appeals mechanisms. At the opposite, more wealthy, end of the county, however, people were represented by highly qualified lawyers. That cannot be right. We must have equality in the SEN appeals process. The right of access for those children whose cases need representation must be absolute, and there must also be fairness in the quality of that representation. Whatever the detail of the steps that will be taken to strengthen the process, I hope that my hon. Friend the Minister will ensure that children of all backgrounds have both a right of access and the right to the same quality of representation.

This is an important Bill that builds upon the building blocks to which I have referred, and I hope that when it passes through Committee, it will emerge as a measure that helps to build further upon those building blocks. On that basis, I support the Bill.

8.31 pm

Sandra Gidley (Romsey) (LD): I am unsure whether my voice or my time will run out first, but I hope to concentrate on three issues: home education; personal, social and health education; and family courts.

Schedule 1 to the Bill deals with the registration and monitoring of home-educated children, and it follows on from the Badman report, which gave rise to a significant number of concerns among home educators, who have done a fantastic job in lobbying parliamentarians. The right to interview children alone is a particular concern. The Government have listened, but it is clear from the debate that there are still significant concerns. If in Committee we can provide more reassurance that there will not be a heavy-handed lever for local authorities to use if they are not happy with what is going on, that will be welcomed by all.

There are also concerns that the safeguarding agenda has been over-emphasised compared with education. Actually, the balance of words in the Badman report shows that that is probably not the case. Nevertheless, it was felt that part of the Badman report brief was to look at safeguarding. If a Government have restrictive measures in place and protect their own back, they can say, "But we did all of this to try to prevent such an event from happening." There is a timidity in just allowing people to get on with their own lives, because I am not aware of a huge problem. That is not to say that one day there might be a problem, but that will be an exception rather than the rule. We seem to be legislating for something that might happen in very exceptional circumstances.

Registration is key. It would be welcomed more if families were convinced that they would receive help and support. There is to be some money for home educators, but it is unclear whether that will go towards the cost of local education authority bureaucracy, or whether some of it will go towards helping home educators provide things, such as science equipment if that is what their children are interested in. The crux of the matter is that many people feel that this is a licence to interfere and the whole move is representative of a societal attitude that seeks to quantify and standardise everything.

Proposed new section 19E does not reassure, as proposed new subsection (1)(a) allows LEAs to determine whether the education is suitable. Many children are home educated because they were not thriving in the state system and their parents made a positive decision to home educate. Indeed, the siblings of some of the children I met were perfectly happily in the state education system; their parents had made a specific decision about one child, not for reasons of dogma or because they thought they knew best, but because that was what was best for that particular child. It is important to bear that in mind. During the recess, I met a number of home-educated children and I was struck by the breadth and variety of the learning experiences made available to them by committed parents. The concern is that some well-meaning local education authority officer with the bog-standard training will insist on changes so that the national curriculum of the day is more closely adhered to at home.

The problem with the education system, which I have been following for many years, is that it suffers from fads. Such fads have included the literacy hour and the numeracy hour, which the Secretary of State does not seem to like very much because he is getting rid of them. Over the years opinions have changed as to the best way to teach children to read, but the reality is that although there may be an overall "best way", some children learn in different ways. A good teacher will adapt to that, and home-educating parents are doing exactly the same, by adapting to what their children need. I hope that reassurances can be given in Committee on this issue.

On personal, social and health education, I fully support both what the hon. Member for Nottingham, North (Mr. Allen) said about needing to get rid of that term and talk instead about "life skills", and the provisions in the Bill. I served on the Select Committee on Health in 2002, when it undertook an inquiry into sexual health. We had as witnesses a number of young people who were scathing about the sex education that they had received. They all made a number of interesting observations, the first of which related to the "geography teacher" syndrome—I do not know why the geography teacher is always picked out for approbation. Not all teachers are instinctively comfortable delivering this part of the curriculum, even with training. There is nothing worse than being taught this subject or taught about relationships by a teacher who is embarrassed, so we need to have specialist teachers or good, high-quality training, with an opt-out if the teacher does not want to deliver this subject. Bad PSHE is worse than no PSHE.

The second point made to us strongly by those children was that those in their peer group who were taken out of classes were often those in the most need of information. It was not that their parents wanted them to receive this education at home; it was that their parents did not want them to be educated about sex and relationships at all. That is a problem, and we should consider—this might sound like a slightly wacky idea—involving parents more in what is going on and running courses for them so that they can follow up at home on some of the topics that are brought up in school. Some parents would like to talk about this subject—some teenagers would want them to do so like they want a hole in the head, but such an approach would be helpful.

The third point that was made to us dealt with alcohol, peer pressure and self-respect. The hon. Member for Salisbury (Robert Key) made the point well about the impact of alcohol and the fact that it leads to careless attitudes, and we have to address this part of our education too.

Let us compare our approach with what happens in Sweden, which has a programme of relationship-based education. We always talk about "sex and relationships", but we should be talking about "relationships and sex education". Sweden's relationships education encourages people to talk about relationships in a way that covers friendships, bullying, respect for individuals and relationships with the opposite sex—as has been said, a holistic approach is much the best one. The schools also arranged, as part of the curriculum, a visit to the young people's sexual health clinic—we nearly put this in the report, but we decided that it would not pass the *Daily Mail* test. We found that the clinics were not just places that dished out condoms and contraceptive pills; they involved multidisciplinary teams. If their people found that a young person was being promiscuous, they would arrange for a psychologist to have a chat with that person, because they took the view that such behaviour was a sign of deeper problems. The evidence from places such as Sweden and the Netherlands shows that better sex education leads to an increase in the age at which young people have their first sexual experience and to fewer partners. Although I welcome the Government's sense of direction, I hope that they will take specific account of some of the details.

In the remaining few moments available to me, I wish to talk briefly about the family courts. I welcome the move towards more openness, because we have probably all encountered constituency cases where we were not able to see the reports from the courts, where a parent was accusing the judge of bias or a professional of not doing a job properly and where it was difficult to obtain transparency. Clearly, that is wrong and there needs to be some accountability, but the new rules have been in place for less than a year and this issue is extremely delicate, and so change has to be introduced gradually.

The media's prime interest is in selling newspapers. I have a constituency example. My female constituent was involved with Fathers 4 Justice and details were published in the press that meant that her daughter could be identified, going against everything that is supposed to be possible. My constituent challenged that in court and the judge effectively said that because of her high-profile position, her daughter did not enjoy the same protections as other children. We talk about opportunities and protections for all, and there should not be any impact on the children just because their parents might be involved in something that we do not like. Apparently, section 97 did not apply because my constituent had put herself in the public domain by protesting and courting publicity for her cause, so her children were not entitled to the same protection as others. Given that the media are totally irresponsible and exist only to sell newspapers, they will publish and be damned. I think that we need to be very careful before giving them carte blanche to ruin children's lives.

8.41 pm

Mr. Brian Jenkins (Tamworth) (Lab): It is a pleasure to follow the hon. Member for Romsey (Sandra Gidley), who made a well-presented contribution to the debate. Many of the speeches this evening have been well thought out and well presented. It is such a large subject that we might easily get distracted, but I hope that I do not become too distracted, as I took large sections out of my speech when the time limit went from 15 to 10 minutes.

This Bill is the latest step on the long path to improving education in our country and I shall support it tonight. It is a key element of that long path. Let me put it into context in my area. Like many others, I shall refer to Sure Start as one of the cornerstones in starting to recognise that children do not come with a works manual. Parents start from scratch. Our society today is a more flexible one, shall we say, in which people do not grow up in the same street as their parents or grandparents. There is no one to turn to, and knowing how to bring up children and how to be a good parent becomes much more challenging. With Sure Start provision, we at least did one thing: we started to teach parents how to play with their children, how to bring their children up and how to have expectations that their children will do better in life than they did.

The theme of raising expectations is an important one to me. Let me step forward a few years in talking about educational provision in my town. We had six secondary schools and a surplus secondary school was converted partly into an educational campus for special educational need provision and partly into a skills academy, staffed by the local college, to take students aged 14-plus one day a week. It now has 150 youngsters and is the largest such academy in the country. They come from the five remaining schools for one day a week. We have to thank our Government for sending a cheque of £8.5 million to allow us to refurbish the school and make it a jewel in the crown, as that would not have been possible otherwise. The academy is raising expectations among our 14-year-old students as well as the qualifications that they are achieving, and people are now realising that vocational status is equal to academic status in education. To me, that is very rewarding.

I also have to thank the Government for sending £100 million for construction work to the remaining five schools as part of the Building Schools for the Future programme. One of the five schools will be an academy, which I personally have no problem with, and

[Mr. Brian Jenkins]

the sixth-form centre that we are going to build from new, which will take all the sixth-form students from the remaining schools, will be built to accommodate 960 students. Considering that our town has only 660 sixth formers, Members might think that it has been overbuilt, but what a brilliant advert it is—we now have an academy that has to work to fill the surplus places. To do that, it has to encourage students to stop on into the sixth form at 16-plus. That is a real challenge, but one that we will live up to in the next few years.

Despite all the money that has been sent to our town in the past few years, we still have a problem. The best figures that I can work out show that only 23 per cent. of our 18-year-olds leave to go to university, whereas the national average is 46 per cent. So one of our problems is low expectations and the fact that people do not realise that education, qualifications and a secure future are within their grasp. Another problem is the fact that we have lower than average funding. One might think that Staffordshire is a lovely, leafy county and therefore deserves the same sort of funding as other leafy counties, but my constituency is just outside Birmingham, and many of my people have been part of the overspill programme from Birmingham. My town has the same social make-up as Birmingham, which is just a few miles down the road, but students in Birmingham receive much more funding than those in Staffordshire, in Tamworth. I hope that the new review of spending in education will put that anomaly right. Low expectations give us those low grades and low figures for university entrance.

We have some excellent schools in my constituency. Manor primary school in Drayton Bassett has just recorded results of 100 per cent. in its SATs. If one takes added value into consideration, many other primary schools do very well, but the difficulty is that one must take the added value into consideration. It is at the key point when children start primary school that one-to-one tuition would pay dividends. If we can get their expectations up and get them into the main stream, we can raise still further the number of children who go on to our secondary schools with the full SATs at level 4.

Home education is a challenge that the Government must face up to. I was not very keen on one aspect of this issue. Some of this country's home educators feel that there has been an attack on them and the way that they provide education to children. I am sure that the Government will consider how the position has been presented to them regarding home educators. One good thing has come out of all this, however. In some local authorities, there is no halfway and home educators are either in the system or out of it, but it is about time that we recognised that those people are taxpayers and that their children have rights. Their local authorities should give them the right to use school libraries, to enter music classes and to use science laboratories if they wish to do so. I am sure that the Government will take that point on board.

The Bill will provide guarantees such as those on extra and one-to-one teaching, but for those guarantees to be met, relevant facilities must be in place. I know that the money to make those facilities available has come into my community, but I want to know whether those guarantees will be maintained. Given the uncertainty of the economic future, particularly in the next few years, which of those front-line services will be maintained? If we introduce the one-to-one guarantee, will it be maintained in future? When we give schools the extra funding and require them to give one-to-one teaching to catch-up students, will we be diverting resources from other students, or will money be ring-fenced specifically for catch-up students? It will be self-defeating to take money from gifted children—from high flyers—to spend on catch-up students, because the high flyers are the ones who have given us our results in the past. They are the ones who have gone on to achieve and to give us our current world-leading positions in culture, art, IT and games. We need to maintain that stream of high flyers.

We are to give children [illegible] opportunity to learn to play a musical instrument. Will we make sure that that goes further than the spoons or the triangle? Who will provide funding for music in this country? Music, as we know, has been a Cinderella in many of our schools. At present, parents have to provide funding to allow their children to have music tuition. I would like to see much more information on exactly how much funding will be provided for that.

With regard to teacher licensing, the General Teaching Council, which was established under the Teaching and Higher Education Act 1998, was intended to drive up standards, so what role will licensing play? How do we see it taking over the role of being the driving force? Most teachers I know would welcome the chance to undertake professional development. The only reason they do not undertake it is that their head teacher tells them that there is no money in the fund. The hon. Member for Yeovil (Mr. Laws) said that the TUC did not back the measure, but the National Union of Teachers said that it

> "could see nothing to welcome in the proposal without adequate funding".

A comprehensive professional development strategy for all teachers, based on an individual funding entitlement for each teacher, would be welcomed as a way forward. Perhaps the proposal has raised expectations within the NUT.

I have already said this, and I will say it time and again: the one thing that must be stamped on the Bill is "Expectations, expectations, expectations". Without that, some of our poorest children will continually fail.

8.51 pm

Mr. Mark Field (Cities of London and Westminster) (Con): I appreciate the opportunity to make a brief contribution to the debate. Given the time constraints, I hope that you will forgive me, Mr. Deputy Speaker, if I focus on the aspect of the Bill that is of particular interest to me: home education.

Almost exactly one year ago, the Department for Children, Schools and Families launched an independent review of home education by Graham Badman. Fearful that it represented another attempt by the Government to intrude into their lives, two home-educating parents from my constituency, Tina Robbins and Helen White, came to meet me in Parliament to see what could be done. Home educators have long suspected that the Government are uncomfortable with the idea of parents providing an education that cannot be monitored, tested or accounted for. That applies, I suspect, to Governments of all political colours, and of course to local education authorities. In many ways, the outcome of the report confirmed that suspicion.

I have to admit that in my initial meeting with my two constituents, I had misconceptions that a home education might produce an unsocialised, precocious child, unable to interact with his or her peers and shielded from all negative influences. However, the more I listened to the two mothers talk, the more I was impressed and excited by the passion and enthusiasm that they displayed for home education. Each parent was able to provide their child with an individualised learning experience, tailored to that child's ability and interests.

Inspired by that dedication to individualised learning and that determination to fight Government impositions, in a Westminster Hall debate last June I decided to defend home educators against some of the most controversial recommendations in the Badman report—compulsory annual registration; annual home visits by local authority officers, which we have heard about; and a right for local authority officers to interview a child away from their parents.

I must confess that I was absolutely overwhelmed by the reaction to the speech that I made that day. Not only did it receive extensive support from my constituents, many of whom I had no idea shared a passion for the subject, but I received countless letters and e-mails from home educators across the country. The important point to stress is that home educators are a very diverse group of individuals with no single voice. There has been a great lobby, but it should be stressed that we are talking about individuals, to a large extent. So sacred is their independence that for a long time they have chosen to remain under the radar. However, nationwide, in the past year, they have felt compelled for the very first time to stand up and demand that their voice be heard.

The results are quite remarkable. As we know, the Department has been flooded with correspondence. Meetings have been set up with numerous MPs from every mainstream party. There has been a massive co-ordinated internet campaign, too. As Members know, that all resulted, only last December, in the biggest mass petition ever seen in the House.

A review of elective home education by the Children, Schools and Families Committee has also broadly assisted the cause. Released just before Christmas, the Committee's report rejected the idea of compulsory registration of home-educated children and made clear the Committee's disappointment at the

> "less than robust evidence base that the Badman Report and the Department have presented with regard to the relative safeguarding risk to school and home educated children."

The report went on strongly to discourage the notion that local authority home-education teams should be given a more overt safeguarding role and questioned the Department's somewhat optimistic cost estimates for more robust monitoring by local authorities. It concluded:

> "The way in which the Department has handled the Badman report has been unfortunate—from the way in which it framed the review, through to its drafting of legislation prior to publication of the related consultation findings. We trust that the Department will learn from this episode".

In the light of the outcry of home educators and the criticisms of the review, I question how the Government can proceed with the plans in the Bill. Home education has been under constant scrutiny since the Children Act 2004 enshrined the Government's Every Child Matters agenda in legislation. Home educators with whom I have engaged conclude only that either the Government have no faith in the previous reviews or the Badman report was from the start a superficial exercise designed to allay public concern—a bid somehow to make good other failures with frenetic activity; or, worse still, that child welfare concerns were being used as a cover for a Government obsessed with monitoring and targets to interfere in a sphere over which they currently have little influence.

Home educators vigorously reject the attempts by the Government to mix concerns about child welfare into any review of home education, and I believe that they are right. They believe that the Government's concerns in this regard are in line with the misguided understanding that a child is safe when seen once or twice by a local authority. I am not diminishing in any way some legitimate concerns about child abuse and I have a great deal of sympathy with some of the problems faced by the Government, particularly in other Departments, in preventing cases similar to the appalling ones that we have recently seen, but we must be clear: local authorities already have powers to get involved in a family when there are concerns about abuse.

The uncomfortable truth is that no amount of legislation will ever remove all risk. The task of the Government is to balance the rights of all individuals. Given that home-educated children are not proven to be at any greater risk, it is inappropriate to throw away the liberty of parents to choose how to educate, particularly when it is equally possible for a child to go to school and be abused when they return home or, indeed, for children in the care of the state to suffer abuse.

On top of all the concerns over the conflation of education and welfare are fears about the implications of monitoring home educators. Monitoring is not a neutral activity and is likely to require tick boxes to ascertain whether a child is receiving a suitable education. Although a seemingly harmless word, the definition of "suitable" is worryingly subjective.

If a more formal monitoring system is implemented, it will come with severe practical and cost implications. Of course, for any monitoring to be worth while, staff will have to be trained. If no extra funding is forthcoming—a likely scenario in these difficult economic times—budgets currently allocated to ensuring the welfare of genuinely vulnerable children could be diverted to such things. That would be a real waste and, of course, a risk when the Government have already stated that they are confident that the great majority of home educators are doing a first-class job.

That majority feels that the Government are incapable of trusting parents to do the best for their children. Yes, parents fail sometimes, but, let us be honest, so too do the Government. Without being able to prevent all cases where a child is abused or not provided with a decent education—of course, such cases can happen just as often when the state is involved—it is for Governments to assess risk and ask which areas warrant most attention.

Increased intervention makes little financial sense and has the potential to divert resources from truly vulnerable children. It also further infringes the rights of parents to make what they believe are the right decisions for their children. Current legislation is perfectly

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adequate but all too often poorly understood. Any Government must guard the sacred right of parents to educate their children, while vigorously tightening the current system when it comes to child welfare. After that, the Government should look to their own ability to fulfil the Every Child Matters objectives, rather than continue to pursue those who put their faith, time and passion into home education. I believe that these proposals should be firmly rejected.

8.59 pm

Judy Mallaber (Amber Valley) (Lab): This is my first chance in the Chamber to pay my tribute to my dear friend and colleague, David Taylor. As fellow east midlands MPs with similar constituencies and both active in our union group, Unison, I know of his humanity, his kindness, his ability to take the mickey, the way in which he put forward ideas and campaigned, and his commitment to public services and education. The subject of the Bill would have been close to his heart.

At his funeral on Saturday in the village of Heather where he lived, I saw the primary school that he went to. One of his local council colleagues told me how proud David was to see the extension and the building work that had been done at that school under Labour, and the pride that it gave him to know that he had helped push for that and to see it happen on his watch, so to speak. I spoke to a couple of head teachers at the football pavilion where we met afterwards, who told me about all the support that David had given as a continuing member of one of the school's governing bodies, and how he had managed to visit two thirds of his schools in just one term.

I talked to one of the heads about a neighbouring sports specialist school in Leicestershire, at which I spoke when I went to one of those Sunday "Politics Show" programmes last year. We talked about the Government pledge to provide pupils with sports and arts opportunities in all schools. That is included in the very welcome guarantees in the Bill. David would have strongly supported those.

In that programme pupils at the school talked about the different ways in which sports and music could be provided. It does not have to be traditional sports. It could be anything from the oz boxing programme in my constituency set up by a couple of police with local pupils, which won a *Daily Mirror* award, to dance to different forms of music, an activity in which it is easy to get pupils engaged. We know how music and sports can feed back into educational attainment. I have seen it at first hand through, for example, some of the ways in which pupils in my constituency have got involved in sports development programmes. The value that they gained from that has fed back into their academic achievement. Providing guarantees that we will see such programmes is important and valuable.

David would not have welcomed everything in the Bill. I am sure that in his inimitable style, he would probably have made some caustic comments about academies, which as my hon. Friend the Member for Wolverhampton, North-East (Mr. Purchase) pointed out, were not necessarily to David's taste. I know that he would have welcomed the continuing thrust towards providing support and encouragement for every child, no matter how disadvantaged, to reach their full potential.

Like previous speakers, I see the Bill as the next stage of much of the work that we have been doing in government over recent years. I have seen huge improvements in my constituency and I can point to all sorts of facts and figures about the changes, for example, in 11-year-olds reaching level 4 at key stage 2, going up from 64 per cent. to 82 per cent. in English, and from 68 per cent. to 88 per cent. in science, the increase in the proportion of those getting five A* to Cs, and the fact that I no longer have any schools with fewer than 30 per cent. achieving that. Obviously, we want to go further. I see the Bill as a further development of such achievements.

I recall that when I was campaigning in my first election at the same time as David was, one of the things that struck me most was going to Swanwick Hall school in my constituency. The buildings in which we expected pupils to learn stank of damp. That struck me even more than the buildings that were falling down. Parents came to see me with a picture of the toilet that had a roof that was open. A dead bird had fallen almost into the lap of their pupil. The transformation in school buildings in my area, as well as the improvements that we have seen in results, and the figures that I could give to illustrate the increase in teaching staff and in non-teaching staff, have been extremely important. The proposals in the Bill to provide guarantees are important and valuable.

I am pleased about the one-to-one teaching, which has been spoken about, and the possibility of catch-up. As I have seen in a number of my schools, the practice of taking pupils out if they are not doing so well happens anywhere. It is not completely new, but the fact that the Bill makes that a systematic entitlement is valuable. However, I ask Ministers to ensure that in doing so we look at the support that we need. As a fellow Unison MP, David, like me, was very concerned about the role of support staff in schools and the valuable contribution that they make, and I am sure that they, along with teaching staff, will be an important part of the programme.

Notably, the White Paper had a specific chapter on work force development, where it clearly acknowledged that

"the ability of the school system to support every child and young person to achieve success depends most of all on the school workforce."

We will, in effect, need a "work force guarantee", so that teaching and non-teaching staff can continue to develop and carry out the Bill's guarantees, which I think will be absolutely invaluable.

The Bill's ambition

"for all pupils to go to schools where they are taught a broad, balanced and flexible curriculum and where they acquire skills learning and life"

will obviously be fleshed out. I note that the White Paper fleshes it out by talking about providing vocational qualifications and training as well as academic training—in so far as one can make a clear distinction between the two. In my constituency, one thing of which I am most proud is the new post-16 Phoenix centre at Aldercar community language college, which I took David Puttnam to open. The centre, a £4.6 million facility funded by the Learning and Skills Council, provides a range of vocational and academic qualifications.

I also visited Manthorpe Engineering, a world-class engineering company in my constituency, and I have with me a picture of some of the 24 apprentices whom, in consultation with a local school, it has taken on over the past few years and trained up for engineering. It is important that the range of opportunities for pupils does not disappear, but, looking at the Opposition's policies, I am concerned, because I understand that the Conservatives would abolish the new diplomas. That would be a huge mistake, because they provide another pathway for pupils.

I recently attended a workshop organised by the Institution of Engineering and Technology, and I talked to a number of girls and boys who have been taking engineering diplomas. They were excited by the way in which they had been able to get into engineering and take up that opportunity. Indeed, the institution has been very positive about the implementation of advanced diplomas, and Russell group universities now recognise and accept them for 79 per cent. of their courses. That development is highlighted by the Bill's guarantee of a broad range of choice, but it would be extremely disappointing if the Opposition came to power and took away such choice. I certainly hope that we carry on down that path, because it is extremely valuable.

The two other areas that I should like to mention have been well covered by my hon. Friend the Member for Nottingham, North (Mr. Allen) and my right hon. Friend the Member for Don Valley (Caroline Flint). The provisions on community facilities and on life skills, as my hon. Friend the Member for Nottingham, North put it, are invaluable parts of the Bill, and they will be very important.

Opposition Members say that the Bill is bureaucratic, but a system has to have order. A free-market system, which we would allegedly move to if we operated the Swedish system, would mean only that we threw a pile more money into things; we would not have a proper, organised programme. The programme and developments in the Bill, however, are really positive. They will enable us to move on to the next stage of improving education in my constituency and to build yet further on the improvements that we have made in recent years.

9.9 pm

Mr. Edward Timpson (Crewe and Nantwich) (Con): In the short time that is left in this Second Reading debate, I would like to concentrate on part 2 of the Bill, on which my hon. Friend the Member for North-West Norfolk (Mr. Bellingham) spoke with great authority. I declare an interest in that before taking my seat in this place I was a practising family law barrister for 10 years.

Part 2 deals with the relaxation of the rules on reporting information relating to family proceedings. Like most Members who spoke about this issue, I support the principle of making the work of family courts more transparent and accountable to the wider public. That principle has developed over a period when the issue has been brought to the fore by a series of high-profile miscarriages of justice, including the cases of Sally Clark and Angela Cannings, involving professional or expert witnesses whose evidence has been discredited—in those cases, the expert witness was Professor Sir Roy Meadow. The desire to open up the family courts is therefore understandable. However, I agree with the hon. Member for Romsey (Sandra Gidley), who is not in her place, that the fundamental shift that the Bill will introduce should not be rushed into without proper consideration and consultation, because it concerns a particularly delicate area.

The family courts touch the lives of the majority of people in this country. One need only look at the example of adoption—one in four people knows someone who has been involved in an adoption. That, in itself, shows the importance of the family court system and of people's confidence in it. The system is subject to too much delay and suffers from a lack of judges, and there is a disconnect between the family court process and the public's understanding of what that is. It is therefore essential that we address those issues when considering the transparency of these courts. Clients in family court proceedings used to ask me questions as simple as "What is a courtroom like?", "Is there a jury?", "Can I speak?", "Will the social worker be there?", and "How does the judge decide what to do?" If the people involved in the family court system do not understand these issues, it is not surprising that the wider public have a dearth of understanding of the process. It is only right that they have those questions answered, as long as the privacy of the parties and the protection of the child remain paramount. The Bill touches on that important issue. Accessibility of information must happen without compromising the natural course of justice. People's experiences of family courts, as of criminal courts, vary widely, from satisfaction with the depth of inquiry and the sensitivity of the proceedings to disbelief at the way they feel they have been treated through their involvement in the case.

Opening up the family court system will help people to understand the judge's reasons for coming to their decision, dispel some of the myths surrounding family court proceedings, and help to bring confidence back into the system. However, I make a plea to the Government that they should also be considering how we can prevent cases from going into the family court system in the first place, particularly the role that mediation and alternative dispute resolution can play in bringing parties together and ensuring that they do not go as far as having to instruct solicitors and to spend their own money, in some cases, or money from the public purse, in others, on trying to resolve issues that could have been resolved much earlier on.

One of my concerns about this aspect of the Bill is that it builds in a two-stage process for reviewing the sensitive information that will become available to the public through the introduction of the media into the courtroom. Stage 1, which will apply for the first 18 months once the Bill becomes law, creates a slight loosening of the reins in the reporting of proceedings, particularly placement proceedings, but when we move to stage 2, that reporting goes much further and would allow the Lord Chancellor, of his own volition, to relax rules to the extent that sensitive personal information, as it is termed, can be published unless the court specifically imposes restrictions. That presumption should be re-examined to see whether it is the right way forward, because the anonymity of some very vulnerable young children is at stake. It is clear from some of the information that has been provided to us by those who are interested in that aspect of the Bill that there is a real danger that some children will become identifiable through other sensitive information that will become available to the public, such as psychiatric and health reports. When pieced together, such information could form a picture of exactly who the child in question was.

The Government have not made a huge assessment of the impact that the proposed changes will have. The original changes were brought in only in April 2009,

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and as we have heard, there has been no independent evaluation of their impact on children, courts and reporting. We can say that there has been very little journalistic take-up of the opportunity to go into the courts and view the family law process. The danger is that journalists will end up going only to cases that have a sensational element and that they believe will have some public interest through their newspapers, as opposed to getting a true, broad picture of what goes on in the family courts across the country. Rather than help to deal with the fear of the family court system that some people have, the media may reinforce it through the selective reporting of what goes on.

I am conscious that other Members wish to speak, so I shall conclude by saying that although it is a welcome move that we are looking to open up the family court system, there is a danger that if we go through the process set out in the Bill, we will move ahead too quickly with a rather complex system that ends up not helping the accountability of the family court system and people's understanding of it but shrouding it in even greater mystery with selective reporting of what goes on. People need to understand what goes on in the family courts, but I am not sure that the Bill goes the right way about it. A more structured and cautious approach of evaluating the evidence and returning to the matter at a later date would be a much more constructive way of ensuring that we deal with this very sensitive issue in the appropriate way.

9.17 pm

Annette Brooke (Mid-Dorset and North Poole) (LD): I want to make a very brief contribution on a few topics. On the first two, home education and personal, social and health education, it is interesting to note that the Government's current stance represents a U-turn. However, there are interesting contrasts in their approach to the two issues.

There are a number of reasons for home education, and it clearly is not one homogenous entity, which makes a heavy-handed and rushed approach to legislating seem singularly inappropriate. I have long been concerned about the lack of support for those home educators who would like to access certain support, and I shall briefly give a constituency example. I have a letter that states:

> "This is the last straw. I have heard today that children who are excluded from school will be given home tuition through computers all financed by the government. Where is my Help?
>
> I withdrew my son before he was excluded and we get no help what so ever, not even the right to sit free GCSE's."

So it goes on. I wrote to the local authority and established that there was no help. That was in 2007. I also wrote to the Government, because I was concerned about that mother, who had withdrawn her child from school for the very best of reasons—to ensure that he could make something of his life. I received a letter from the then Schools Minister, the right hon. Member for South Dorset (Jim Knight), stating:

> "We recognise that it is a fundamental right enshrined in law that parents should be free to educate their children at home if they so wish. But when deciding to do so or not, parents are strongly encouraged to plan ahead and think carefully about the costs associated with educating children at home. This is because there are no funds directly available from the Government for parents who decide to home educate their children. We believe that school is the best place for the vast majority of children to receive education, therefore funding is devoted to maintaining the state system of schools from which those children benefit. There are currently no plans to change this."

That is quite a statement, which obviously reflects the Department's stance. That stance has affected the culture in the Department and in local authorities. I welcome the fact that the Government and Badman himself identified the need to provide support, but before rushing into legislating, one needs to work on the culture and training. Indeed, I cannot understand why the support that is to be introduced needs legislation.

Furthermore, when we had revised education guidelines for local authorities—in 2007, dipping into 2008—the Government did not move far. They suggested a few examples of additional support, such as using the library, but certainly nothing like supporting entry into examinations.

I welcome the U-turn on support, but the problem is everything that comes with it. When we examine the diverse nature of home education, we realise that a large group of competent parents wishes to pursue education for their children and is clearly capable of doing that. Those parents probably removed their children from school because they wanted to escape the straitjacket of the national curriculum. The greatest fear is that, under the Government's proposals, registration and all the strings attached mean that there is no control over the direction of home education. That is why I understand home educators' concerns. It is a complex topic, which needs time. We should deal with it step by step, starting with the important subjects of support and training. We should be wary of a registration scheme, which could represent the most heavy-handed approach and perhaps destroy some imaginative education.

I want briefly to consider PSHE education. I welcome the fact that it may be made statutory. I have proposed that on several occasions when considering other Bills, and been defeated. The difference between that U-turn and the previous one is that once the Government decided to follow that route, they engaged in pilots and a great deal of consultation. There is much to be commended in the proposals. I should have liked the process to start many years ago, but I respect the fact that it has happened. A great deal of engagement with the school, parents and the local community is important, as is high-quality provision. We are placing such high expectations on the provisions that we must all show great leadership. They have the power to deliver a great deal, but they could be just a damp squib if we are not careful.

It is important to dwell on the relationships provisions because they are about empowering young people to say no, whether to alcohol, following the gang or engaging in violence, as well as sex. I am therefore concerned about the opt-out of sex and relationship education at 15, because some aspects are crucial to young people's development. We can usefully explore that in detail in Committee.

I want to consider clause 9, which deals with exceptional provision for ill or excluded children—I do not think that anyone else has referred to it. I am all in favour of improving the education on offer to excluded children. It is one way of stopping the downward spiral of exclusion, truancy and disillusionment with school.

However, it is important to get the education right for children and young people who have long-term health conditions. I am not sure what clause 9 offers them. There are parents in my constituency who say, "I'd get more help with home tuition if my child was excluded rather than ill." That cannot be right. I recently had a constituency case of home tuition being needed for someone in the sixth form. It was extremely complex. I was told:

> "The Learning and Skills Council allocates funding to local authorities for such cases but the matter rests with Connexions services in discussion with the school concerned on whether this additional support is merited."

There were months of discussions with different bodies, but the child was perhaps let down at the end of the day. In that case, the young person had myalgic encephalomyelitis. She needed to get a secure package to ensure that she could make a sound start to sixth-form studies—probably a mix of school and home tuition—but she failed to get it.

Finally, I echo some of the comments made by the hon. Member for Keighley (Mrs. Cryer) and my hon. Friend the Member for Yeovil (Mr. Laws). Will the Minister give some clarification on whether there is a loophole in section 58 of the Children Act 2004 that allows certain adults who do not have legal responsibility to use physical punishment on a child in their care? Whereas teachers for the most part are prohibited in law from using such sanctions, the prohibition may not extend to teachers providing under 12.5 hours' education a week, such as those in Sunday schools or madrassahs. That is important, and I would appreciate some clarification.

9.26 pm

Mr. Graham Stuart (Beverley and Holderness) (Con): In the few minutes that I have, I shall address the subject of home education, as my hon. Friend the Member for Cities of London and Westminster (Mr. Field) did in an excellent speech. From the Front Bench, my hon. Friend the Member for Surrey Heath (Michael Gove) spoke a lot of common sense on the topic, as did the hon. Member for Romsey (Sandra Gidley), who addressed it in the first half of her speech.

Under clause 26 and schedule 1, local authorities will have a duty to run a licensing system—that is what it is—for all home-educating parents in their areas, complete with monitoring by local authority inspectors, who will have to be hired and trained and sent out in order to have all their meetings. Local authorities may revoke a parent's licence to educate their own child or refuse to give one if the inspectors do not think that that child is receiving a suitable and efficient education, if they deem the families to be unco-operative—God forbid that any family should be unco-operative when an inspector from the local authority comes knocking on the door—or if the parents fail in any of the administrative requirements imposed on them by the Bill.

It has always been the duty of parents, not the state, to educate their children, and they may choose to do so through school or otherwise. That historic settlement will be turned on its head by the Bill, which tears from parents and gives to the state the decision as to how a child is to be educated. We have heard much about guarantees in this debate, but for many parents, the freedom to choose how their child is educated is the ultimate guarantee.

A small minority of parents elect to educate their children at home, for a variety of reasons—I will not go into that, but various speakers have mentioned the diverse nature of parents who home educate. Under the current legal framework, parents are trusted to do the right thing by their child unless there is clear evidence to the contrary. Of course, some home-educating parents do not do a good job of educating their child, but overwhelmingly, what evidence we have suggests that that is a tiny minority, and nothing said by Ministers has done anything to dispel that view. To deal with that tiny minority, the Secretary of State wants to set up a huge licensing bureaucracy with a long list of reasons why home-educated children can be sent back to school, whatever the opinion of the parents and the child. Because of this Bill, the cloud of suspicion will be extended to the many, not the few.

As I understand it, the Government have three principal motives for introducing the licensing inspection proposals: first, the Department for Children, Schools and Families says it has evidence from serious case reviews and other such things that under the guise of home education, some children are at risk of suffering harm or being denied an education; secondly, Ministers point out that they intend the measures to give the state the power to guarantee that every child receives a suitable education; and thirdly, Ministers say that to allow local authorities to provide greater support and other services to home-educating families, they need a better idea of the numbers.

As we heard from the hon. Member for Mid-Dorset and North Poole (Annette Brooke), the Government made no effort before introducing such a major licensing system—this draconian set of powers—to support home-educating families. Indeed, they wrote to her specifically to say that absolutely no money was available for home-educating families. On the Department for Children, Schools and Families website today, in the small print on the page about the home access scheme, which is designed to provide grants for parents to look after their children, it says that home-educated children are specifically excluded. That is the history under this Government, of which home-educating parents are well aware. There has been lots of suspicion, but no support, and now Ministers tell us that their approach is all about education, support and a more co-operative relationship between parents and local authorities. However, I am afraid that none of the home-educating families out there feels the same.

There has been a lot of concern about the fact that the consultation on the Badman proposals was not published before the Bill was published, despite the Cabinet Office guidelines, to which the Department is a signatory, which say that Departments must ensure that any consultation is meaningful and can properly influence decisions. I thank the Minister for Schools and Learners, with whom I had a meeting last week, for saying that he would do everything possible to ensure that as much information as possible was provided, but the response to that consultation was published yesterday. That hardly helps to inform our deliberations too well today, except for those who are particularly astute.

The numbers were 230 in favour, 4,497 against and 106 unsure, yet Ministers keep making out that it is a minority of people who are opposed. It is not a minority. A system is being set up, supposedly for the benefit of home-educated children and their families, to create,

[Mr. Graham Stuart]

according to Ministers, a co-operative atmosphere, yet that system is being forced on to families, practically none of whom wants it. Ministers should ask themselves whether they want to bring such help to families who are so adamant that they do not want to receive it.

It is not that families do not want help or would not welcome access to the home access scheme, or to libraries or other facilities—the points that the Badman report makes on that have been fully supported by the Select Committee on Children, Schools and Families—but where is the guarantee of support in the Bill for home-educated families? The Bill is full of guarantees, but anyone who searches through it for such guarantees will find that there are none. There is no evidence of any additional money and no evidence that home-educating families will be treated fairly as taxpayers and citizens. What is guaranteed is a large licensing scheme. What is also guaranteed is that the local authority will impose a school attendance order on those who fail to put their child on the register, regardless—it specifically says this in the legislation—of the quality of the education provided to that child. In other words, the administrative convenience of the local authority is to be put ahead of the interests of the child. That is what is in the Bill.

My hon. Friend the Member for Surrey Heath touched on this issue, but in connection with the Badman review, on which the hon. Member for Blaydon (Mr. Anderson) spoke last week, it is also worth mentioning that bad data lead to bad decisions. That is what the legislation is based on. One member of the Badman review's expert reference group described the review as

> "slap dash, panic driven, and nakedly and naively populist".

That is the basis on which the Government have moved forward.

As I mentioned in an intervention on the Secretary of State, New Zealand had a similar monitoring and licensing system. It ran the system for several years and found that there was no problem with home-educating families. It therefore scrapped the scheme last year, saying that it was a waste of time and money. Is it not time that Ministers learned from that experience and did likewise?

9.34 pm

Chloe Smith (Norwich, North) (Con): You must excuse me, Mr. Speaker, for suffering from such a bad winter cold that any compassionate teacher would seek to exclude me from their classroom for fear of infecting everybody else. I am therefore happy to have to keep my comments brief. I should start also by noting that I am, I suspect, the only Member of the House to have sat my GCSEs and received all my subsequent education under this Government—I may or may not be all the better for that, but there we are. I did that in a comprehensive school in rural Norfolk. I understand that I might therefore have shared a local authority with the Secretary of State in my early years.

I want to assert that I believe passionately in education as a means of encouraging aspiration and ambition. This debate has been wide ranging and measured, but I hope that, during the wind-ups, the Government will drop the rather sad refrain that we have heard before—not least during the Personal Care at Home Bill before Christmas—that to oppose a hyper-active, headlong and rather heavy-handed Bill is to advocate putting nothing in its place. That is not the position of many Conservative Members.

We want to focus instead on giving teachers the trust and freedom to do their jobs, rather than on producing and debating another education Bill from another Queen's Speech. Such legislation has been introduced nearly every year, but—notwithstanding my own education under this Labour Government—less than half of all pupils currently leaving school achieve five or more GCSEs, including English and maths, at the top levels. Will the Government accept that their policies have failed, and that teachers and head teachers must now be given the trust and the freedom that they need to complete their jobs? They must not be given a bundle of bureaucratic burdens, which is what the Bill could provide if it goes through in its current form.

I do not have an awful lot of time, but I want to discuss four aspects of the provisions, from parts 1 and 3—the home-school agreements, the school report cards, the charitable status of academies, and the primary curriculum. I shall discuss each of them at top speed.

I welcome the strengthening of the existing home-school agreements. The Government agree that the present HSAs involve a bureaucratic process with few real benefits. However, the Bill could undermine them, for two reasons. First, it seeks to personalise agreements rather than making them reflect common standards that are expected of all pupils at a school. That could undermine the idea of common standards, and it could also create a mammoth administrative task for schools.

Secondly, the Bill fails to give HSAs teeth by ignoring their usefulness as a potential tool as an admission condition. The Secretary of State has said:

> "It would be wrong to make signing the Home School Agreement a condition of admission, as this could unfairly deny a child a school place."

That is wrong-headed, however. Agreements should set out common standards that are expected of all pupils, and should define the expectation that parents support their kids at school. What parent would refuse to sign a simple agreement on such terms? A failure to sign could be, and should be, a ground for head teachers to say, "I don't want such children in my school because it could hinder everyone's learning." It might also have to be a ground, further down the line, for other agencies to become involved with the child and the parents. The Bill should create an opportunity to have a civilised condition of admission in that regard.

On school report cards, the Bill will get it wrong if it seeks to introduce a single grade for schools. There is no such thing as a single card that meets the data needs of all the interested parties. I also understand from one school in my constituency that there is not yet a united view within the Government on how such data should even be calculated. We need to publish as much data as possible about a school, for two particularly good reasons that were given to me by a vice-principal in my constituency. The first is that that would pull attention away from the borderline data. The second is that it could help to attract and retain good staff by reflecting the breadth of what the school does.

On the automatic charitable status for academies, the vice-principal I just mentioned is vice-principal of Norfolk's first academy, the Open academy, which is in Norwich.

North. Jumping out of the frying pan of any bureaucracy associated with a local authority into the fire connected with the Charity Commission would not be desirable, so the academy and I support this measure to simplify procedures for these new schools. May I take this opportunity to praise the Open academy for its impressive achievement in doubling its benchmark GCSE results last summer?

My fourth point is on the Rose review of the primary curriculum. In so far as these measures provide an opportunity to teach children basic learning skills, I welcome them, but they must, without doubt, be supplemented by knowledge. This must be a question of skills plus knowledge, and I believe that that is the view of many primary schools in my constituency, including the Heartsease primary school, of which I must declare that I am due to become a governor very shortly.

In three of the four areas that I have just mentioned, great opportunities have been missed. On home-school agreements, instead of empowering schools, the Bill will force head teachers to tailor toothless agreements with each parent. The measure on report cards could have provided parents with a great range of data that could help them to make choices for them and their child. But no, it seeks to condense information, turning sharpness into fuzziness. As to the Rose review, yes, children need skills for learning, but they also need knowledge. In all those cases, the measures are incredibly prescriptive towards children. The Bill fails to empower teaching professionals and, given the stream of legislation coming out of the Department, it risks stifling both head teachers and teachers.

9.40 pm

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): Well, here we are, Mr. Speaker, a new year and a new education Bill. It is now almost an annual event, with nearly as many education Bills as finance Bills. We have had the School Standards and Framework Act 1998, the Learning and Skills Act 2000, the Education Act 2002, the Education Act 2005, the Education and Inspections Act 2006, the Education and Skills Act 2008, the Apprenticeships, Skills, Children and Learning Act 2009 and now the Children, Schools and Families Bill in 2010.

It is not just the 50 clauses and four schedules of this Bill or the 270 clauses and 16 schedules of last year's Bill that are the problem; it is the scores of regulations that each of these Bills spawns and the dozens of sets of statutory guidance and programmes of study that local authorities, governors, head teachers and teachers all have to read, absorb and act upon that is the real burden.

It is becoming almost axiomatic that, legal skills are as necessary as pedagogical skills to succeed in education these days. Legal skills and knowledge will become even more important if the Government succeed in putting on to the statute book the pupil and parent guarantees in the opening clauses of this Bill, which is why the Association of School and College Leaders is right to warn that these guarantees will

> “open the flood gates for increased litigation against schools”.

As the hon. Member for Yeovil (Mr. Laws) pointed out, how is the local government ombudsman going to be able to enforce loosely defined guarantees about the quality of education?

If an education Bill every year were not evidence enough of a directionless and rudderless education policy, the escalation of ever-grander promises from curriculum entitlements to pupil guarantees should be a warning. After nearly 13 years of this Government and billions of pounds of extra taxpayers' money, we still have a situation in which 40 per cent. of 11-year-olds are leaving primary school struggling with the basics of reading, writing and maths, and half of all children qualifying for free school meals fail to achieve a single GCSE above grade D. It is all evidence that the Government have failed to tackle the problems that lie at the root of underachievement in too many schools, which will not be resolved by passing yet another law saying that bad schools should not be allowed or declaring that henceforth all pupils and parents will receive better guarantees.

I now know that my hon. Friend the Member for Salisbury (Robert Key) was a teacher at the school that my father attended—Leeds grammar school—but not, I think, at the time of my late father. He is right to say that the pursuit of ideas lies at the heart of democratic politics and that it requires a broad, liberal and high-quality education system. The hon. Member for Yeovil is right to say that the proposed report card risks becoming a box-ticking exercise. As my hon. Friend the Member for Surrey Heath (Michael Gove) pointed out, 84 per cent. of the schools in New York are graded A and 13 per cent. are graded B under a report-card system; in fact, only seven schools in New York were graded D or F last year.

The hon. Member for Yeovil is also right to question, as we do, the value of personalised home-school agreements—a point also well made by the right hon. Member for Don Valley (Caroline Flint), who rightly fears that the Government are mixing up the pastoral care of pupils, an ongoing matter for a pupil's personal tutor, with home-school agreements, which should be about the ethos of the whole school.

Just before Christmas, I visited a primary school in London. I sat in on a remedial reading lesson for an 11-year-old girl. The child was barely literate after seven years of primary education and despite three years of twice weekly, one-to-one tuition. She was being shown flashcards of simple words that she had rehearsed hundreds of times over the years. She managed to read the word “even”, so I asked the teacher if the child could read the word with the first “e” covered up. The teacher covered up the “e” leaving the word “ven”. The child could not read it. She did not know what the letter “v” sounded like, so she could not begin to sound out the word.

Why is it that that little girl, who was meant to be able to read the word “even”, could not read the word “ven”? The answer is that she had not been properly taught the sounds of the alphabet and how to blend them. She had been drilled in the “whole word recognition” method, which simply does not work for the least able children and works only inefficiently for other children. That is not an isolated example. In last year's SATs, 9 per cent. of boys and 4 per cent. of girls failed to register a grade in the key stage 2 English tests. That means that they are starting secondary school completely illiterate.

How does the Bill propose to reform primary education? By creating six “areas of learning” and, in each “area of learning”, a programme of study with 84 objectives running from E1 to E24, from M1 to M29, and from

[Mr. Nick Gibb]

L1 to L31. The Government claim that that is a more flexible arrangement, but what could be more prescriptive and undermining of the professionalism of teachers than to be faced with 84 detailed objectives that they all know will have to be incorporated into their lesson plans on pain of criticism by Ofsted? For example, on a particular day a teacher will write on the board "Objective: to recognise how authors of moving-image and multi-modal texts use different combinations of words, images and sounds to create effect and make meaning". That is what happens. They will write the objectives on the board, and that will be one of them on one particular day if the Bill comes into effect.

The Qualifications and Curriculum Development Agency simply cannot help itself. This proliferation of objectives—this bureaucratic tick-box approach to education—bears the hallmarks of the QCDA, the Qualifications and Curriculum Authority and the Government since they were formed, and it is one of the key reasons why we have not seen improvements in our education system despite the billions that have been spent.

As for home education, my hon. Friend the Member for Isle of Wight (Mr. Turner)—who has vast experience in the field of education—expressed concern, shared by many Members, about the dangerous increase in state intrusion into people's homes. As he pointed out, clause 26 and schedule 1, if implemented, would stamp out the individuality that home educators cherish.

The hon. Member for Romsey (Sandra Gidley) referred to the Government's timidity about letting people get on with their own lives. My hon. Friend the Member for Cities of London and Westminster (Mr. Field), who has conducted an effective campaign on the matter, referred to the passion of home educators, and asked how the Government could proceed with the provisions given the overwhelming opposition to them. That is a question that Ministers need to answer.

In a powerful speech, my hon. Friend the Member for Beverley and Holderness (Mr. Stuart), who chairs the all-party parliamentary group on home education, emphasised people's fundamental freedom to educate their children. That presumption and that freedom are undermined by the Bill.

Clause after clause of this Bill demonstrates Ministers' lack of understanding of the underlying causes of the problems in our education system. It proposes pupil and parent guarantees that will land head teachers and governors in the courts; home-school agreements that will become a bureaucratic nightmare for heads, with a bespoke contract for each child that will be reviewed and rewritten every year; a new curriculum for primary schools with hundreds of prescriptive objectives serving only to undermine teachers and kill the joy of education; and a new licence for teachers that is also designed to undermine their confidence.

I am not sure that our education system can stand yet another Bill that deluges schools with ever more prescription, and diverts schools from their core purpose of educating children. I am not sure that our schools or our teachers can continue with an education policy that is so lacking in focus, and so overtly political and ideological. I am not sure that our country can continue with an education policy that continues to fail so many children from deprived and disadvantaged backgrounds. This Bill will do nothing to tackle the deep-seated problems that are the cause of underachievement in too many schools. It needs to be consigned to the waste paper bin, and I urge Members in all parts of the House to help us to do just that.

9.49 pm

The Minister for Schools and Learners (Mr. Vernon Coaker): First, may I thank everyone who has spoken in this debate, most of whom have made excellent contributions?

At the beginning of the debate, the hon. Member for Surrey Heath (Michael Gove) said we should not focus too much on drawing political dividing lines, but we have just heard a classic example of that. Let me put to the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) what he has just said, because I think he will regret it. He said that we have not seen improvements in our education system. Those words will ring around this country, in constituencies throughout the land. One of the major Opposition spokespersons has told the House of Commons there have been no improvements in our education system.

I must inform the hon. Gentleman that I have just been to a reception in Downing street. It was attended by the Prime Minister, the Secretary of State and the head teachers of the 150 most improved schools in this country. Those people are a credit to this country; they work hard, and they have delivered real progress. We should start every debate by praising our head teachers, teachers and schools for the excellent work they have done and for raising standards in our country. *[Interruption.]* That is the context in which we should consider this matter. *[Interruption.]* I bet the Opposition Members who are shouting at me now do not go back to their constituencies and say to their schools that standards have fallen.

The hon. Member for Surrey Heath talked about dividing lines. There is a very clear dividing line, in that the current Secretary of State and Government consider it important for the state not to intervene in every school, but to stand away from schools and to allow them to pursue their own agendas and improvement programmes. However, when there is underperformance and underachievement and it is necessary for the state to be involved, they will not turn around to say that the state will not be involved. In those circumstances, the state has a responsibility to involve itself, and involve itself it will.

Mr. MacShane: In 1997, no school in Rotherham had been rebuilt for about 20 years, and there was rotting infrastructure. Almost all of them have now been rebuilt. I am proud that the head teacher of Thornhill primary school is in the Gallery tonight. She will listen to the scorn and contempt of the Conservative party for what this Government have done. It should be ashamed of itself, because we have served the children of our nation, and it will not do so.

Mr. Coaker: Yes, we have all seen improvements in school buildings in Rotherham and other areas of the country.

The hon. Member for Yeovil (Mr. Laws) raised a point about people acting in loco parentis. Such people fall into a number of categories, including the following: those employed in a capacity where a legal ban on physical punishment applies, such as school teachers or child minders; people within, or close to, families, such as step-parents, parents without parental responsibility and babysitters; and people in educational or quasi-educational settings. Where such people administer physical punishment resulting in actual bodily harm or constituting cruelty, they would be prosecuted and would not be able to rely in court on the defence of reasonable punishment. I am not aware of any evidence that the law as it stands is not working as it should in this regard.

A number of Members on both sides of the House raised the important topic of home education. We all want to strike the right balance in allowing parents their proper right to exercise their responsibility for their children and to educate at home should they choose to do so. It is also right for us to balance that against the need to ensure that we have the education standards we want, including for children who are educated at home; and, in that context, issues in respect of safeguarding arise.

In dealing with some of the issues raised by a number of people, including the hon. Members for Isle of Wight (Mr. Turner), for Cities of London and Westminster (Mr. Field), for Beverley and Holderness (Mr. Stuart), for Romsey (Sandra Gidley) and for Meirionnydd Nant Conwy (Mr. Llwyd), and my hon. Friends the Members for Huddersfield (Mr. Sheerman) and for Vauxhall (Kate Hoey), the fundamental right is that of the child not to be denied a suitable education. The local authority must consider the wishes and feelings of the child when carrying out monitoring. In most cases, parents provide a good education, but when that is not the case, the state should intervene. The monitoring of home education will be done with a light touch and it will be proportionate, so parents who are doing a good job will not see much difference from the current arrangements.

The Bill focuses on education, not on safeguarding, and safeguarding issues will be dealt with in the usual way. It is inconceivable that a local authority would revoke registration for a genuine mistake. The legislation says that registration "may" be revoked, and in such cases parents can appeal to an independent panel if the local authority behaved unreasonably. There is no right to see children on their own but this is a factor that can be taken into account if the authority decides to seek a school attendance order, and there is no right of entry under these provisions. I hope that what I have said has answered some of the general points that people have been making.

A number of Labour colleagues, including my right hon. Friend the Member for Don Valley (Caroline Flint), my hon. Friends the Members for Nottingham, North (Mr. Allen), for Ellesmere Port and Neston (Andrew Miller), for Amber Valley (Judy Mallaber), and for Tamworth (Mr. Jenkins), my right hon. Friend the Member for North-West Durham (Hilary Armstrong), and my hon. Friends the Members for Huddersfield and for Vauxhall, made interesting contributions to this debate.

The Bill sets out a number of real developments and policy reforms. It sets out guarantees that will ensure that young people who fall behind in primary school or who start secondary school not at the appropriate level will receive one-to-one tuition. Key stage 1 is primary education and if the hon. Member for Yeovil were to read what we have said, he would find that we are talking about one-to-one and small group tuition at this stage. For key stage 2, we are talking about one-to-one tuition and for year 7 we are talking about one-to-one and small group tuition, so our approach does include small group work in primary schools.

The new primary school curriculum is set out in the Bill, and it has been massively welcomed across the whole education sector. Notwithstanding what the hon. Member for Bognor Regis and Littlehampton said, a large number of primary school teachers, primary heads and education professionals have generally welcomed the new primary school curriculum that we are introducing.

I have taught personal, social and health education and I believe that making PSHE compulsory is another major step forward. I was astonished when the hon. Member for Surrey Heath informed us that the Conservative Front-Bench team oppose the Bill's proposal to change from 19 to 15 the age until which parents will have the right withdraw their children from such education. The Conservatives wish to keep the law as it stands, whereby parents will have the right to withdraw their children until they are 19. They may think that somebody who is 18 or 19 years of age can be told by their mother or father that they cannot have sex and relationship education, but that is nonsensical, as people will see when they consider the matter.

May I also quickly mention report cards, which are another—*[Interruption.]*

Mr. Speaker: Order. I apologise for interrupting the hon. Gentleman, but there is far too much noise coming from both sides of the Chamber. The House will want to listen to the Minister.

Mr. Coaker: The reason I am being shouted at is because the Conservatives' own Front-Bench team cannot believe that they said 19. *[Interruption.]* They did say 19. One of the other factors to mention is school report cards, which are an important part of this debate, and I commend this Bill to the House.

Question put, That the amendment be made.

The House divided: Ayes 211, Noes 288.

Division No. 31] **[9.59 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. P[illegible]
Burt, Alistair
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Corbyn, Jeremy
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C.
  (Monmouth)
Davies, Philip
Davis, rh David

Drew, Mr. David
Duddridge, James
Duncan, Alan
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh
  Mr. David
Hendry, Charles
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Smith, Chloe
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Taylor, Matthew
Taylor, Dr. Richard
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes:
John Hemming and
Dan Rogerson

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael
  (Worcester)
Foster, Michael Jabez
  (Hastings and Rye)
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom

Havard, Mr. Dai
Healey, rh John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jowell, rh Tessa
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Twigg, Derek
Walley, Joan
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wil[illegible]n, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
David Wright and
Mrs. Sharon Hodgson

Question accordingly negatived.

Question put forthwith (Standing Order No. 62(2)), That the Bill be now read a Second time.

The House divided: Ayes 287, Noes 206.

Division No. 32] **[10.14 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Ben[illegible] rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Engel, Natascha

Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael
(Worcester)
Foster, Michael Jabez
(Hastings and Rye)
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, rh John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jowell, rh Tessa
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C.
(Sheffield, Hillsborough)
Smith, rh Angela E.
(Basildon)
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Twigg, Derek
Walley, Joan
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
David Wright and
Mrs. Sharon Hodgson

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C.
(Monmouth)
Davies, Philip
Davis, rh David
Dorrell, rh Mr. Stephen
Duddridge, James
Duncan, Alan
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike

Hands, Mr. Greg
Harper, Mr. Mark
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Smith, Chloe
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Taylor, Matthew
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir [illegible]
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Noes:
Mr. John Baron and
Mr. Philip Dunne

Question accordingly agreed to.

Bill read a Second time.

CHILDREN, SCHOOLS AND FAMILIES BILL (PROGRAMME)

Motion made, and Question put forthwith (Standing Order No. 83A(7)),

That the following provisions shall apply to the Children, Schools and Families Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 4 February 2010.

3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.—(*Mr. Blizzard*)

The House divided: Ayes 282, Noes 206.

Division No. 33] **[10.26 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John

Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael
  (Worcester)
Foster, Michael Jabez
  (Hastings and Rye)
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, rh John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jowell, rh Tessa
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kidney, Mr. David
Knight, rh Jim
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C.
  (Sheffield, Hillsborough)
Smith, rh Angela E.
  (Basildon)
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Twigg, Derek
Walley, Joan
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
David Wright and
Mrs. Sharon Hodgson

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C.
  (Monmouth)
Davies, Philip
Davis, rh David
Dorrell, rh Mr. Stephen
Duddridge, James
Duncan, Alan
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Gauke, Mr. David
Gibb, Mr. Nick

Gidley, Sandra
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh
  Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Smith, Chloe
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Taylor, Matthew
Taylor, Dr. Richard
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Noes:
Mr. John Baron and
Mr. Philip Dunne

Question accordingly agreed to.

CHILDREN, SCHOOLS AND FAMILIES BILL (MONEY)

Queen's recommendation signified.

Motion made, and Question put forthwith (Standing Order No. 52(1)(a)).

That, for the purposes of any Act resulting from the Children, Schools and Families Bill, it is expedient to authorise—

(1) the payment out of money provided by Parliament of—

(a) any expenditure under the Act of a Minister of the Crown, and

(b) any increase attributable to the Act in the sums which under any other enactment are payable out of money so provided, and

(2) the payment into the Consolidated Fund of any increase attributable to the Act in the sums payable into that Fund under any other enactment.—*(Mr. Blizzard.)*

Question agreed to.

Dr. Andrew Murrison (Westbury) (Con): On a point of order, Mr. Speaker. At defence questions today, the Under-Secretary of State for Defence, the hon. Member for Grantham and Stamford (Mr. Davies), to whom I have given notice of the point of order, asserted that my oral supplementary question on body armour was libellous. Clearly, it could not have been. The Under-Secretary was given an opportunity at five o'clock this afternoon to clarify his remarks, but he has not done so. I seek your advice on chapter 18 of "Erskine May", page 441, which proscribes what it calls "Charges of uttering a deliberate falsehood", an error that, however unwittingly, the Under-Secretary appears to have made in his somewhat eccentric performance from the Dispatch Box today.

Mr. Speaker: I am grateful to the hon. Gentleman for his point of order and, in particular, for his courtesy in giving me advance notice of it. Robust exchanges frequently take place in the House, and this afternoon's exchange, to which the hon. Gentleman has drawn attention, is certainly a prime example of that. I know that he, as an experienced Member, would not want me to interfere in such a robust debate. What I can safely say is that it is correct to observe that statements made in the House are protected by parliamentary privilege.

Media Images (Women and Girls)

Motion made, and Question proposed, That this House do now adjourn.—*(Mr. Blizzard.)*

10.40 pm

Jo Swinson (East Dunbartonshire) (LD): I am delighted to have secured a debate on the effect of media images on the body image of women and girls—a topic that has sparked a great deal of discussion in the past year, both in the media and among the public.

Nowadays we cannot escape media images of impossibly beautiful people, whether on magazine covers, billboards or in newspapers. There is increasing pressure on people—especially women and girls, but increasingly men and boys—to make themselves as beautiful as possible.

Beauty itself seems no longer to be in the eye of the beholder. Instead of a wide range of body shapes and sizes being presented, we are fed a restricted diet of one narrow ideal of beauty. The cult of ultra-thin is worshipped by those aspiring to look like the skinny models on the catwalks or the teeny-tiny celebrities in the magazines. Those in the public eye who commit the ultimate sin of eating and being a normal size are named and shamed, with articles and photos documenting their fall from grace. Some people say that that has always been the case, but Marilyn Monroe would be called fat by today's standards, and even the fit and slender Cindy Crawford would look large in comparison with her size zero counterparts.

The skinny ideal is reinforced by the media. If we go into a newsagent's today, particularly in January, the magazine headlines scream out the obsession with thinness: "My fight for a new body"; "Diet special: how we got our amazing bikini bodies" or, especially worrying, "Diet or die!" All those are headlines in magazines that are currently on sale.

Increasingly, the images that we see are not even real, as modern technology makes it easier than ever to manipulate pictures digitally. Retouching is widespread in the modern media. Sometimes that is done to remove the odd spot or blemish, to smooth skin or add shine to hair, but in many cases the whole shape of people's bodies has been altered—waists cinched in, breasts enlarged, legs lengthened or muscles pumped up. A recent Ralph Lauren advert showed a model who had been retouched to the extent that her waist was smaller than her head.

Indeed, it seems that some politicians are not immune to that vanity. The Minister may have seen the Conservative party's new billboard featuring a picture of the Leader of the Opposition looking more than a little airbrushed. I know that he wanted to present the new face of the Conservative party, but had not realised that he meant it literally.

Mr. Andrew Pelling (Croydon, Central) (Ind): I can give my electorate an undertaking that I do not change the photographs on my leaflets. Could one way of tackling the problem be to encourage people locally, much as my local newspaper, the *Croydon Advertiser*, has done? It ran a competition about beauty and lifestyle, based on real people, thus grabbing back the issue for local people.

Jo Swinson: The hon. Gentleman makes an excellent point. Nationally, Dove's campaign for real beauty is another example of celebrating the diversity of beauty in everyday life.

Why does all this matter? It matters because the images we see have an effect on how people feel about and behave towards their bodies. That can be extremely serious. In November last year, a report entitled "The Impact of Media Images on Body Image and Behaviours: A Summary of the Scientific Evidence" was written and signed by 45 leading academics, doctors and clinical psychologists from the UK, USA, Australia, Brazil, Spain and Ireland. The report is available on the Real Women campaign website, realwomen.org.uk. I will summarise its findings, but I encourage the Minister to read it in full. It states that

> "the experience of negative thoughts and feelings about one's body and appearance is a powerful (in fact, the most potent) and consistent precursor of a whole range of unhealthy body-related behaviours."

Those include unhealthy dieting regimes and problematic eating behaviours such as starving, bingeing and purging; clinical eating disorders, such as anorexia and bulimia; cosmetic surgery; extreme exercising; and in boys and men, unhealthy muscle-enhancing behaviours, such as taking steroids or other supplements. Such images are also linked to depression, anxiety, sexual dissatisfaction and low self-esteem.

The evidence also tells us that idealised media images have a detrimental effect on the clear majority of women and adolescent girls. There have been fewer studies carried out on men, but meta-analyses show that

> "Exposure to the muscular male ideal is also linked to greater body dissatisfaction".

Hospital admissions for bulimia and anorexia among girls under 18 leapt by 47 per cent. last year according to House of Commons figures. Media images are not the only factor responsible for that list of health problems, but they are a significant risk factor.

The problem starts at an early age. One study of girls aged from five to seven found that girls had less body esteem and a greater desire for a thinner body after exposure to images of thin Barbie dolls, compared with girls exposed to images of dolls with a healthy body size. People are not necessarily fully aware of the extent to which images are digitally altered. In a poll by Dove last October, 42 per cent. of more than 1,000 women said that they could not tell when an image had been airbrushed or digitally enhanced.

As I mentioned, Dove has used normal women as models in its adverts for the last five years as part of its successful campaign for real beauty, which in itself proves that products can sell without the adverts having to conform to the super-skinny beauty ideal. We need to change the culture that says that in our society only thin is beautiful, and nothing less than perfection will do. There is no magic wand we can wave to create that change overnight, but the Liberal Democrats' Real Women campaign is calling for a few simple steps to start the process: we are seeking to make images used in advertising more honest and to equip people to respond to them in a healthy and appropriate way. Firstly, we propose that in adverts aimed at adults, advertisers should be honest about the extent of digital retouching they have employed. Secondly, in adverts aimed at children, people should be presented realistically, as they actually look, without digital retouching. Finally, the national curriculum should ensure that children receive education about media literacy and body image issues.

The Advertising Standards Authority already has codes of conduct that regulate what can and cannot be put in adverts, and we are all used to seeing disclaimers on adverts to comply with those rules. For example, L'Oreal has been made to state on its shampoo adverts that Cheryl Cole is actually wearing hair extensions, and admit that Eva Longoria is wearing false lashes in its mascara adverts. However, the ASA acts only in response to complaints about specific adverts.

The Minister may be aware that in response to almost 1,000 complaints received as part of the Real Women campaign, the ASA recently banned an advert for Olay Definity anti-wrinkle products featuring Twiggy. It upheld the complaint that the advert was misleading because viewers were led to believe that Twiggy's appearance was achieved using the product and not through digital alteration. However, it rejected the claim that the advert breached the requirement that

"All marketing communications should be prepared with a sense of responsibility to consumers and to society."

Its report stated that

"in the context of an ad that featured a mature model likely to appeal to women of an older age group, the image was unlikely to have a negative impact on perceptions of body image among the target audience and was not socially irresponsible".

It appears not to have considered the scientific evidence, which shows that although young people may be especially at risk, media images also cause body dissatisfaction and unhealthy behaviours in adult women.

Rather than a piecemeal, advert-by-advert approach, we need all adverts to be up front about the perfected images they portray. Bringing honesty about retouching into advertising is not rocket science. The ASA should work with the advertising industry to come up with a suitable labelling system, perhaps one that is similar to the traffic light system on food packaging, and amend the advertising codes to require adverts to display the retouching icon showing the level of retouching used in that ad. That would help consumers to distinguish between minor retouching, such as removing the odd blemish, and the extensive digital surgery that is increasingly common in adverts. As with the traffic light scheme, that might also change the behaviour of advertisers, who may be reluctant to airbrush so heavily if consumers know the extent of it.

There is clear public support for a change to the advertising codes. A ComRes poll in October for the Young Men's Christian Association, whose healthy bodies campaign is highlighting current concerns about body image, found that

"77% of people believe that airbrushed photographs should carry a health warning".

The Dove poll I mentioned earlier found that 96 per cent. of women would like advertisers to be honest about the extent to which they airbrush or digitally retouch pictures and adverts.

Children are especially vulnerable to body image pressure. The YMCA poll found that 88 per cent. of people believed children to be under more pressure about their physical appearance than they were 20 years ago. That is backed up by research by Girlguiding UK. Shockingly, its focus groups heard that girls as young as seven equated being attractive with being happy. Research that it conducted in July among young women found that 50 per cent. of 16 to 21-year-olds would consider having surgery to change the way they look.

Because children are more vulnerable, we already have guidelines that apply only to adverts aimed at them. For instance, clause 7.2 of the Broadcast Committee of Advertising Practice's television advertising code rules that

"Advertisements must avoid anything likely to encourage poor nutritional habits or an unhealthy lifestyle in children."

The evidence that I have outlined strongly suggests that airbrushing in advertising does just that. I hope the Minister will state in his response whether he agrees that the ASA should bring advertising companies together to form an agreement that images of people should not be digitally altered in adverts aimed at children. When the Liberal Democrats launched their proposals on airbrushing back in August, the Minister for Women and Equality, the right hon. and learned Member for Camberwell and Peckham (Ms Harman), was quoted as saying:

"We are happy to back this campaign".

I hope that the Minister's Department agrees.

Of course, we cannot protect children from such images for ever, which is why we must also empower them to develop the resilience that they need to be able to think critically about media messages. The 45 experts to whom I have referred agreed in their summary of evidence that

"training in media literacy (to increase critical awareness of 'perfected' media models and the harm they can do) reduces the immediate negative effects of exposure, and more systematic, intensive interventions over days or weeks can significantly reduce one important risk factor: internalisation of the slender ideal."

Some 50,000 people signed to a "Body confidence" petition on the No. 10 website last autumn calling for the school curriculum to include lessons to help to deal with body image issues. They were backed by Gok Wan, whose "How to Look Good Naked" TV series has been a breath of fresh air in giving women of all shapes and sizes more body confidence.

In December, the Department for Children, Schools and Families published an independent report by Professor David Buckingham entitled "The Impact of the Commercial World on Children's Wellbeing". It concluded that the Department should set up a panel to look at how media literacy can be incorporated into the national curriculum. I was glad to hear that the Secretary of State for Children, Schools and Families agreed with that conclusion. I wonder whether the Minister could give us an update today on what progress has been made on that so far.

The steps that I have outlined are only a start. They need to precipitate many more wide-reaching changes. It is not only advertisers who are at fault. The trend towards using increasingly skinny models is worrying. Frankly, it is about time that the recommendation of the model health inquiry was implemented—for instance, at London fashion week next month—for models to have a health certificate, signed off by an eating disorder specialist, in order to protect their health and well-being, as well as that of their audience. Fashion designers have a role to play too. The sample sizes of their clothes are so small that the editor of *Vogue* magazine recently admitted to retouching to make models look bigger, as the only models who fit into them look so unhealthy.

Mr. Pelling: I am sorry to interrupt the hon. Lady, who is trying to get in as much as possible. Her party colleague on the London assembly, Dee Doocey, has

[Mr. Pelling]

been campaigning on London fashion week. Does the hon. Lady think it is time that the Mayor put his foot down and decided that size zero models are not acceptable at London fashion week?

Jo Swinson: The hon. Gentleman rightly raises the excellent piece of work that my colleague Dee Doocey has been doing on the issue, which has involved looking at the evidence and coming up with a set of proposals. The answer is probably not as simple as a crude body mass index measure, because some models are naturally very slender girls. However, that is why we need a proper system, whereby the model goes to a doctor and gets a certificate. That would be a sensible way to proceed. It would be helpful if the Mayor could implement that. Indeed, London fashion week takes place next month, so there might even be time for him to do so.

The media also must take some responsibility, for choosing to show such a narrow range of body shapes and ages. Curvy women and older women are too often airbrushed away, as if they did not exist, whether on entertainment programmes, reading the news, or in the fashion and beauty pages of magazines. The models and celebrities depicted in such media images are often under considerable pressure to change their bodies through surgery or extreme dieting. In an interview with Sky News in December, Martine McCutcheon responded to the news about the Twiggy Olay advert by saying:

> "There was part of me that thought, you know what, maybe I shouldn't be airbrushed, maybe I should be the real woman. But the thing is that then the other women don't join in, and you look really awful compared to all the airbrushed women. So it gets to the point where you just think, well, if you can't beat them, join them."

Most women look at Martine or Twiggy and see examples of strong and beautiful women, yet even they are deemed not perfect enough just as they are. In fact, polls show that women and men want to see more realistic models. This week's *Grazia* magazine features a picture of Sadie Frost, naked, un-airbrushed, and beautiful exactly as she is. She says:

> "I love my body because it works, it's given birth to four children, it's healthy and, like everyone's, has been through tough times. You don't have to have that 'perfect' body, because that perfect body doesn't really exist. Be happy and healthy in your own skin."

Wise words indeed. Media images are creating pressure that prevent too many women and girls from being happy and healthy in their own skin, sometimes with disastrous consequences. The steps that I have outlined today would be moves in the right direction to tackle this problem, and I look forward to hearing the Government's response.

10.56 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Siôn Simon): I thank the hon. Member for East Dunbartonshire (Jo Swinson) for bringing this issue to the House's attention, and for making these arguments in public. I am sympathetic to the points that she has made; I think that there is an issue here that we should be talking about. This subject cuts across many different sectors, from the broadcast and print media to advertising and fashion. In each of those sectors, mechanisms exist to enable the responsible bodies to conduct themselves responsibly and to work towards promoting healthy body images, particularly where children are concerned.

Notwithstanding the title of this evening's debate, it is worth noting that, although it is often assumed that it is women who suffer from extreme dissatisfaction with their body image, there is much medical evidence that men are almost equally as likely to be unhappy with the way they look. In fact, estimates suggest that there are three times as many men suffering from body dysmorphic disorder now as there were 25 years ago.

There are controls in place that aim to strike a balance between freedom of expression, which we must not neglect, and the protection of the public, and they should be proportionate to the potential harm that might be caused. A number of consultations and reports touching on this issue have recently been published or are currently in progress, notably as part of the cross-government violence against women and girls consultation, and we look forward to the findings of those reports.

The hon. Lady mentioned the Buckingham review on the impact of the commercial world on children's well-being. This recognised the concerns being raised about body image, but it also concluded that evidence of the effects was "mixed and inconclusive". I do not think that I have seen the other survey that the hon. Lady mentioned, although one does slightly lose track of which survey is which. I will seek it out, however. We need more information in order to build a better case.

The impact of the media in this regard is widely recognised by the Government, by media regulators, by broadcasters and by the press. I will come back to that a little later. However, it is ultimately the responsibility of the individual advertisers, broadcasters and publishers, working within the law and the guidelines, to promote and distribute their material responsibly. That includes the kind of issues that the hon. Lady has raised. She focused mainly on advertising, and it is in that area that the issue is most obvious and visible.

The regulation of broadcast advertising—although not print advertising—is controlled under the Broadcast Committee of Advertising Practice code, through a co-regulatory partnership between Ofcom and the Advertising Standards Authority. The BCAP rules aim to ensure that advertisements do not mislead or cause harm or serious or widespread offence and include specific regulations about the portrayal of children. Similar rules exist in the non-broadcast advertising sphere, strictly controlled through industry self-regulation, this time solely under the Advertising Standards Authority.

The ASA advertising codes do not contain specific rules relating to the portrayal of body image in adverts, but the principles that underpin the approach mean that the ASA can take action against advertisers that portray the body image in an unhealthy or irresponsible manner, under clauses relating to harm or offence, for example. We expect the new advertising codes across all the media to contain new rules relating to social responsibility that would allow the ASA to take action.

Jo Swinson: It is interesting to hear the Minister speak about the new rules. Do I take it from what he says that he thinks the existing rules are not adequate, which is why the new rules will, as he hopes, subsequently enable action to be taken? As I pointed out, the evidence shows that the ASA tends to take action about adverts that can be proved to be misleading, but it does not have a strong track record of dealing with adverts in terms of socially irresponsible images and the harm they can do.

Mr. Simon: My sense is that the codes as they are already give the powers to the bodies in question to deal with those issues. What needs to happen is for the bodies in question to be persuaded through evidence and argument. This is not a new debate, but we are relatively early in the stage of what can consistently be argued in the public arena. The bodies have the powers; they need to see more evidence and more argument.

Jo Swinson: I appreciate the Minister's generosity in giving way. Given that the bodies can currently act and exercise their powers only where there has been a specific complaint, does the Minister believe that the balance is right? Should members of the public have to spot that an advert has been airbrushed? Let us face it, if airbrushers are doing their job properly, people might not be able to spot it or tell that it has happened. Does not the Minister think that a more proactive approach such as the labelling scheme that I outlined earlier to give consumers information would be a better way of tackling the problem than expecting individual members of the public to complain about specific adverts that have gone too far?

Mr. Simon: I understand the hon. Lady's point, but I think her argument against complaints goes a bit far, as that is generally how regulation and law work. It is not the case that when people do not complain, the system is not working. If the intent of the enforcement of the codes is right, the outcomes should follow, too. We do not measure success by the number of complaints—that is what I am saying.

Mr. Pelling: Putting to one side the application of complaints against specific advertisements, does not the Government take seriously the evidence of young women—either at the Priory or within the NHS—who are bulimic and are quite clearly suffering as a result not only of that illness, but of the impact of the false image that advertisers have put out about the merits of being an entirely thin, skinny and bony woman?

Mr. Simon: I am sympathetic to the hon. Gentleman's and the hon. Lady's arguments, but it is clear to me, having looked at the evidence, that it is not clear. The Buckingham review itself specifically concluded that the evidence was "mixed and inconclusive", as I said. The hon. Gentleman needs to help to make the case and find the evidence. If there is conclusive evidence that particular behaviour by the media leads to particular dysfunction not just in young people and not just in women but in people in general, all media regulators will need to take account of that and to act in whatever way deals with it appropriately. Currently, there is no such clear evidence.

As with other areas of advertising, we will continue to ensure that all possible impacts of advertising and any weaknesses in regulation are fully examined. If there is evidence of harm, regulators will need to act and to justify their actions. We will continue to monitor the effectiveness of the regulatory regimes to ensure that the existing structures, especially the regulation of new media, are sufficient to protect the public.

I am sure the hon. Lady is aware that the advertising regulators are currently finalising their latest code review. The revised codes are expected to come into force later this year, and we expect any revisions to the existing code to ensure that it remains appropriate and addresses any major concerns. Ultimately, however, it is the Advertising Standards Authority that needs to regulate. I do not believe that the Government should intervene directly in specific issues.

Mr. Pelling: I do not want to be called to order, but do not politics lie at the heart of the problem? Ministers will constantly refer issues to quangos, but it is the House and the Government that should take the view that young women are suffering. Surely we cannot say that that is a matter for the Advertising Standards Authority.

Mr. Simon: The overarching principle that the media should not cause harm is certainly a matter for the Government, but the delicate business of balancing freedom of expression against potential harm and defending the freedom of the press on a case-by-case basis is not the Government's job. It is not for Ministers to determine what should be in the newspapers or on television in this country. Part of our democracy rests on the complete separation of everyone in the House from such decisions. The job of the House is to set up independent, accountable, credible regulators to make those decisions on the nation's behalf.

Let me briefly say something about broadcasting. Under the Communications Act 2003, Parliament has placed a duty on Ofcom. The Ofcom code, which implements the standards requirements set out in the Act, includes rules to protect the general public from harmful and offensive material. It prohibits discriminatory treatment or language on grounds of, among other issues, gender, and it places a duty on Ofcom to review and revise the standards for the content of broadcast programmes in order to secure the standards objectives set out in the Communications Act. That extensive framework allows Ofcom to address any issue of concern in relation to the content of broadcast programming. As I have said, it is for Ofcom to make the individual judgments.

Similar arrangements apply to the press, whose content is the responsibility of individual publications regulated by the Press Complaints Commission. The freedom of the press is important in this country.

Jo Swinson: I know that time is short, but may I ask the Minister whether he personally thinks that the way in which women, and men, are portrayed in the media represents a diverse enough range of different healthy and beautiful bodies? If not, what does he think should be done?

Mr. Simon: I am happy to tell the hon. Lady that my personal and instinctive view—although I cannot find scientific evidence, or sufficient reviewed evidence, to support it—is that the media presentation of body image must have a widespread effect, and that it is probably something that we have not looked into very carefully—

11.10 pm

House adjourned without Question put (Standing Order No. 9(7)).

House of Commons

Tuesday 12 January 2010

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

HEALTH

The Secretary of State was asked—

Dentistry (Shropshire)

1. **Daniel Kawczynski** (Shrewsbury and Atcham) (Con): What plans there are to improve NHS dental provision in Shropshire. [310016]

The Parliamentary Under-Secretary of State for Health (Ann Keen): The Department has invested a record £2 billion in dentistry and set up a national access programme to help the national health service deliver its commitment to providing, by 2011, access for all who seek it. It is, of course, the responsibility of Shropshire County primary care trust to plan and develop appropriate services, including dental services, to meet the needs of its resident population.

Daniel Kawczynski: I thank the Minister for that answer, but I must tell her that my experience of trying to find an NHS dentist in Shrewsbury for myself and my family has been an absolute nightmare. Can she provide me with a list of NHS dentists in Shrewsbury and Atcham that are currently taking on patients, so that I can share that with my constituents?

Ann Keen: I am sorry that the hon. Gentleman and his family were troubled with uncomfortable dental pain at some time, but I know that he accessed the advice line and that he was assisted. I would be happy to talk outside the Chamber about any particular points that he wants to make on that. Of course, access to NHS dentistry has grown in Shropshire. Over the past 12 months the number of people who have seen an NHS dentist has risen by more than 11,000. I am aware that the PCT is tendering three new contracts—in Market Drayton, Oswestry and Bridgnorth—which are due to start in April 2010, and a new contract was tendered in 2006 for Shrewsbury as a high-priority area.

Trafficked Women

2. **Mr. Anthony Steen** (Totnes) (Con): What recent representations the health taskforce on violence against women and girls has received on the role and response of health services in respect of trafficked people. [310017]

The Parliamentary Under-Secretary of State for Health (Ann Keen): The taskforce has heard evidence from many groups representing women and children who are victims of all forms of violence, including trafficking. The taskforce on the health aspects of violence against women and girls, chaired by Sir George Alberti, is currently considering the report and the recommendations of the sub-group on harmful traditional practices and trafficking, which it established for that purpose.

Mr. Steen: Is the Minister aware that many trafficked women display multiple problems, both physical and mental, and that when they go to accident and emergency units in hospitals, as well as to general practitioners, they are not readily identified as trafficked women, but viewed as victims of violence? Will she therefore consider whether we could improve training for both GPs and hospital staff, so that when they actually meet battered or mentally disturbed women who have been trafficked, they recognise that, rather than seeing them simply as victims of violence?

Ann Keen: First, I am sure the whole House congratulates the hon. Gentleman on his work with the all-party group. He has been such a force for good, and not only in our own country: he has often visited other European countries to see what is happening.

I know that Devon black and minority ethnic community development workers engage with vulnerable communities, but the taskforce is such an important one and the questions are so relevant. The training that health care workers receive for meeting difficult situations will be covered in Sir George Alberti's report, which we expect to be published in early February. A specific training mandate will, I feel, be put in place from those recommendations.

Alan Simpson (Nottingham, South) (Lab): I doubt whether anyone can match the hon. Member for Totnes (Mr. Steen) for the work he has done on this issue, but my limited experience of it prompts me to ask whether the interface that trafficked women have with health services in the voluntary sector can be assisted by overcoming the linguistic barriers, which are part of the problem. In many cases there is a heavy dependence on people who are themselves part of refugee communities to act as translators. Often, they have real difficulties facing the Home Office when addressing their own problems regarding deportation. Will the Minister ask for a coherent interface between key workers and those within the refugee communities in that process, to ease the problems that those women face?

Ann Keen: My hon. Friend raises some more excellent points. Those areas are covered by the research and the report's findings, and we are working across Government with other Ministers, particularly Home Office Ministers, to address that very point.

NHS Funding

3. **Dr. Roberta Blackman-Woods** (City of Durham) (Lab): What account is taken of relative levels of deprivation in determining NHS resource allocations. [310018]

The Secretary of State for Health (Andy Burnham): Deprivation is accounted for in the NHS funding formula, which reflects both deprived and older populations' greater need for health care. An additional health inequalities component in the formula directs funding to the places with the worst health outcomes, targeting health inequalities better than ever before.

Dr. Blackman-Woods: Can the Secretary of State tell the House whether he has any further plans to try to reduce health inequalities by targeting resources further towards the most deprived areas of the country? Does he agree that the Opposition's premium pledge is just a sham, because the policy is already being implemented by the Government?

Andy Burnham: I can say to my hon. Friend that next year County Durham PCT will receive £1,800 per head of population, £200 more than the England average, reflecting the fact that there are higher levels of disease and deprivation in her local community. Obviously that has been a component of the formula since 1999. The Advisory Committee on Resource Allocation in the NHS keeps the matter under review, and it says that the decision is an interim step to give more money to tackle health inequalities. We keep the matter under review, and I can advise my hon. Friend that Professor Marmot will shortly give us his report on further action to tackle health inequalities, which we shall consider in due course.

Philip Davies (Shipley) (Con): Surely the purpose of the NHS is simply to treat individuals, wherever they happen to live around the country, with the treatment that they need to deal with their particular problems. Will the Secretary of State confirm that all health spending will be given on that basis, and that basis alone, rather than basing it on the socio-economic environment in which an individual lives?

Andy Burnham: I am told that there is a general election not too far off. May I respectfully point out to the hon. Gentleman that it might help him to read his party's draft manifesto from last week, which included the commitment to

"weight public health funding so that extra resources go to the poorest areas"?

He is going to be standing on that manifesto in a few months, so he had better read it—and pretty quickly, I would say.

Mr. Kevin Barron (Rother Valley) (Lab): Can my right hon. Friend tell us what the level of resources per head was 10 years ago?

Andy Burnham: I can say to the Chairman of the Select Committee on Health that the England average next year will be £1,600 per head of population. Turning the clock back 10 years, we see that it used to be £426 per head of population. That figure demonstrates the change that this country voted for when it elected a Labour Government. The country was saying, "Our NHS needs to be put back on its feet. We need to invest in it to give people in all parts of the country the best possible health care." In that figure alone we can see the difference that this Labour Government have made.

Norman Lamb (North Norfolk) (LD): The Secretary of State will be aware that GP practices in deprived communities lose out financially and that there are 18 per cent. fewer GPs working in poorer communities. He will also be aware that the Health Committee heard evidence of the failure of the incentive scheme for payments to GPs to do anything effective about health inequalities. There is evidence supporting the call for radical action to change the way in which the qualities and outcomes framework works. When will the Government take action to change the current completely unacceptable situation, whereby GPs in richer areas are paid better than those in poorer communities?

Andy Burnham: Of course we keep such matters under review at all times. However, the funding formula for general practice contains a minimum practice income guarantee, which protects precisely those practices to which the hon. Gentleman referred. I would also point him towards the respected international Commonwealth Fund, which late last year published a comparison of primary care in the 12 most developed countries around the world. It is a source of huge pride to me and to every Member on the Government Front Bench—indeed, to every Member on the Labour Benches—that primary care under this Labour Government is the envy of the world.

Mr. Parmjit Dhanda (Gloucester) (Lab): Is my right hon. Friend aware that the alternative formula that was put forward in this Chamber three years ago by the hon. Member for South Cambridgeshire (Mr. Lansley) would reduce the funding going to our local NHS in Gloucestershire by £109 for every man, woman and child who lives there? Will my right hon. Friend resist that 9 per cent. cut to our local NHS?

Andy Burnham: What I would say to my hon. Friend is that we have sat in the House over the past five years of this Parliament and heard every member of the shadow health team criticise the Government for allocating more resources to communities with higher health needs and more deprivation. So when we read what the Opposition's policy in their draft manifesto is, I do not know how they have the brass neck to sit there today and look as though it was always their policy: it beggars belief. The Opposition need to spell out which PCTs will win and which will lose under the new policy. I suspect that my hon. Friend's PCT might lose from a policy that gave more money to deprivation, on top of what we give such communities today.

Mr. Andrew Lansley (South Cambridgeshire) (Con): May I just say how much we will miss David Taylor at our Health questions and health debates? He was always here, and always had good insights and real commitment to the national health service. He will be much missed, as he was a good colleague to us all.

Will the Secretary of State confirm that patients should be able to expect equivalent access to treatment from the NHS wherever they are in the country? Will he explain why in his Leigh constituency, the NHS spends over 40 per cent. more on cancer services per cancer patient than it does in my constituency?

Andy Burnham: I would like to begin by echoing the shadow Health Secretary's remarks about David Taylor, who was a regular attender at Health questions and health debates; I am sure that his voice will be sorely and genuinely missed by Members on all sides of the House.

The answer to the hon. Gentleman's question is that my constituency has more deprivation and ill health than his does, and that is picked up in the funding formula. I am amazed that the hon. Gentleman is asking this question when his manifesto of last week said in terms that his party will adopt precisely the same policy—so how can he stand at the Dispatch Box and criticise the fact that my constituency of Leigh, a former mining area, receives more for its greater health needs?

Mr. Lansley: The Secretary of State just doesn't get it. I was quoting the figures on the amount spent by the NHS in each of those areas per cancer patient—not the overall allocation between the areas, but the amounts spent per cancer patient. Let me give him another example. Perhaps he can explain why, although higher NHS allocations go to more deprived areas, the money is spent on responding to the consequences of ill health rather than on preventing disease, which is the reason why it is allocated. Why is there one hospital bed for every 245 people in the north-east of England, but one bed for every 408 people in South Central?

Andy Burnham: I am genuinely confused, because for five years, from his side of the Dispatch Box, the hon. Gentleman has accused us of spending too much money in constituencies such as mine. The reason why my area can spend more on cancer is that, historically, smoking has been higher in the constituency. It was the hon. Gentleman's manifesto of last week that said that the Conservatives would weight public health funding so that more went to deprived areas. So he would give my constituency more money than it gets today—yet every one of the Conservative Front-Bench team has criticised our funding plans. The hon. Gentleman should either accept the situation today and tell us which primary care trusts will get more and which will get less, or realise that his policy will have no credibility whatever.

Mr. Lansley: He still doesn't get it, does he? Will he explain why the local PCT in his constituency presently spends £39 a head on its management costs but just £31 a head on its healthy individuals programme, which is preventive spend. That is the point; this is about prevention. What is needed is higher public health budgets for the areas with the poorest health: less bureaucracy, more prevention—that is our health premium. Will he not just accept that we need real help to reduce health inequalities through preventive health care—because we can't go on like this?

Andy Burnham: It is our policy to allow local PCTs to decide where they spend the money on the areas that they think will have the most impact, whether that be prevention or cancer. For the last five years the hon. Gentleman has accused me of giving too much money to those areas, and now he has completely abandoned that pledge. It would appear that it is not him but his party leader who is now writing his shadow health policy. Let me tell the hon. Gentleman, who sits there and gives out the orders, that he has had his policy on single rooms dropped, and he has had his policy on health resources dropped, so why does he not book himself—

Mr. Speaker: Order. I am extremely grateful to the Secretary of State, and I know that he wants to say something about other parties' policies, but he must now focus exclusively upon his own.

Ms Dari Taylor (Stockton, South) (Lab): My right hon. Friend will know that my constituency has had significantly increased funds. None the less, we have very high death rates from heart problems and cancer in low-income wards. How can we manage that situation? What education and community programmes are there to help people in low-income families understand the serious dangers from smoking and poor nutrition?

Andy Burnham: My hon. Friend is right. We need to give the resources to areas such as hers so that they can spend them on smoking cessation programmes and improving access to primary care. Research has shown that communities of that kind benefit greatly from improved primary care, and also that national targets have played an important role in improving health outcomes in the most deprived communities. I assure my hon. Friend that that will remain a central tenet of this Government's health policy.

Mental Health

4. **Dr. Julian Lewis** (New Forest, East) (Con): What recent assessment he has made of the effectiveness of psychiatric intensive care units in the provision of mental health care. [310019]

I note that the Minister of State is to answer this question, which will give the Secretary of State a chance to calm down.

The Minister of State, Department of Health (Phil Hope): Acute care services, including psychiatric intensive care units, remain an essential component of the Government's drive to improve and modernise our mental health services. Moreover, as a result of nine consecutive years of increased mental health spending, more people with acute mental health problems are being treated in the community than ever before.

Dr. Lewis: I give the Government full credit for the creation of the psychiatric intensive care unit at Woodhaven hospital in my constituency. That is why I am so concerned about the fact that it has been "temporarily" closed for the last three months. Six patients from the New Forest who are in desperate need of its assistance have been farmed out to Havant and Basingstoke. May I appeal once more to the Minister to intervene to ensure that Ellingham ward at Woodhaven is reopened as soon as possible?

Phil Hope: The hon. Gentleman has raised this matter with me before, both at Question Time and during debates in Westminster Hall. Since our debate last October, Hampshire Partnership NHS Foundation Trust and Hampshire primary care trust have established an independent review panel to examine their proposals to change services provided by the psychiatric intensive care unit. An updated report will be sent to the Hampshire health overview and scrutiny committee on 26 January, and the full report will be completed within a month. The independent review will be conducted by a panel of experts, including an independent consultant psychiatrist and an independent director of nursing.

I hope that that reassures the hon. Gentleman that his concerns are being heard, that action is being taken and that an independent review will ensure that we secure the best possible outcome for patients, based on a clinical assessment of their needs.

Cancer Treatment

6. **Tony Lloyd** (Manchester, Central) (Lab): What plans he has to increase the speed of treatment of people presenting to their GPs with symptoms consistent with cancer. [310021]

The Secretary of State for Health (Andy Burnham): Over 94 per cent. of patients currently see a cancer specialist within two weeks of urgent referral for suspected cancer by their GP. Of those subsequently diagnosed, 85.7 per cent. commenced treatment within 62 days. We have plans to offer patients in England access to diagnostics that may confirm or exclude cancer within one week.

Tony Lloyd: Can my right hon. Friend confirm that if the Government's cancer pledge that patients will be referred within a week comes to fruition, it will save 10,000 lives every year? That is very significant, given that cancer is still seen not simply as a major killer but as a major condition, in terms of people's view of health care in this country. Is there any chance of my right hon. Friend being able to persuade Opposition parties that consensus would be in the national interest?

Andy Burnham: I can confirm that the aim of reducing to one week the wait that people experience during what is probably the most stressful time of their lives is very much the Government's policy. The national cancer director has estimated that that would indeed save 10,000 lives every year. As my hon. Friend says, the key challenge is early diagnosis. We must focus, and are focusing, all our efforts on that. I do not believe that some of the policies promoted by others would get us anywhere. In fact, they would return us to the days of a postcode lottery for those important services.

Mark Simmonds (Boston and Skegness) (Con): I am well aware that that exchange constituted an attempt to shed light on Conservative policy. Of course the Conservative party wants to see improvements in the provision of cancer services. As the Secretary of State said, there must be a much greater focus on prevention, earlier presentation leading to earlier diagnosis, faster access to innovative drugs and treatments, swifter implementation of survivorship initiatives, and implementation of quality indicators. All those will improve under a future Conservative Government. The key question that the Secretary of State needs to answer is why, despite the Government's 12 years in office, Britain's five-year cancer survival rates are still among the worst in Europe.

Andy Burnham: Without going into all the nonsense and waffle with which the hon. Gentleman began his question, may I just give him his answer? In a letter to me last year, which prefaced the "Cancer Reform Strategy" annual report, the national cancer director said that there had been a further fall in cancer mortality in the last two years for which figures were collected. Overall, therefore, there has been a decrease of 19.3 per cent. among under-75s since 1995-97. In his words:

> "We are well on track to achieve the target of a 20 per cent. reduction by 2010."

The hon. Gentleman did not say that he would remove targets, but he needs to explain how we would achieve such improvements if we were to simply drop all the targets.

GP Surgeries

7. **Andrew Gwynne** (Denton and Reddish) (Lab): What proportion of GP surgeries are open in the evenings and at weekends. [310022]

The Minister of State, Department of Health (Mr. Mike O'Brien): Some 77 per cent.—three quarters—of GP surgeries in England are open outside normal surgery hours, offering their patients routine appointments. We expect this figure to continue to rise.

Andrew Gwynne: I thank my right hon. and learned Friend for that answer. As somebody who, unfortunately, had to make extensive use of GP services over the Christmas recess, including the out-of-hours service at the new Tameside walk-in centre, may I say how massively convenient it is now that my local GP services are operating extended hours? However, what more is being done for patients of GPs who are not yet offering that provision?

Mr. O'Brien: My hon. Friend is right to say that we need to do more to ensure that extended hours are offered. We intend to give patients a right to register with a practice of their choice—perhaps one that offers extended hours. Furthermore, neighbouring doctors can apply to be paid for seeing patients of practices that do not offer extended hours. The Government's extended hours policy has been an increasing success—but of course if the Tories are elected, they will get rid of it.

Mr. David Evennett (Bexleyheath and Crayford) (Con): This is an issue of great concern to my constituents. I note the Minister's response to the previous question, but is he confident that the full range of GP services, such as pharmacies and access to a nurse, are available during weekend and extended hours in south-east London?

Mr. O'Brien: We are increasingly moving towards getting a larger range of services, particularly for GPs. Levels of nursing and pharmacy services vary between practices, but we want to ensure that we increase the number. However, when the hon. Gentleman stands on his party's manifesto, he will have to recognise that his party would get rid of those requirements: that appears to be its announced policy.

Charlotte Atkins (Staffordshire, Moorlands) (Lab): What contribution are the new GP-led health centres making to greater access to GPs? In my own area, a new health centre is being built in Biddulph. It will be the first time that my constituents have had access to out-of-hours GP services in the evenings and at weekends.

Mr. O'Brien: The new GP-led health centres are providing a real incentive for practices that up to now have not offered extended hours. They can see that GP-led health centres are there, and that some patients will start to use them unless GPs start to offer the extended hours. GPs can also see that, with £161 million available in the coffers of PCTs, additional funding is available for GP practices that offer extended hours.

NHS (Charitable Funding)

8. **Mr. David Heathcoat-Amory** (Wells) (Con): What his estimate is of the amount of charitable giving to NHS institutions in the latest period for which information is available. [310023]

The Minister of State, Department of Health (Phil Hope): In 2008-09, NHS trusts and primary care trusts in England received contributions from all charitable sources totalling £62 million in expenditure and £65 million in fixed assets. The Department does not collect that information for NHS foundation trusts, which report directly to Monitor.

Mr. Heathcoat-Amory: Is the Minister aware that the Burnham-on-Sea memorial hospital extension was funded by its magnificent league of friends, and that that form of local charitable giving would be betrayed if it were regarded as part of the general NHS budget and used by the Government to make offsetting reductions in the funding for the NHS trust concerned? Will the Government give an absolute assurance that such a change, which is being considered, will not happen?

Phil Hope: I can tell the right hon. Gentleman that that is not the case, and never will be.

Mr. Ken Purchase (Wolverhampton, North-East) (Lab/Co-op): And never has been.

Phil Hope: Indeed, as my hon. Friend says, it never has been the case.

Charity trustees will continue to have full responsibility for charitable funds; they are not, and will not be, part [illegible] NHS budgets. There is a question about accounting requirements—I think that that is what the right hon. Gentleman was referring to—but that is not a matter of Department of Health jurisdiction. However, I continue to work with the Treasury, Monitor, the Charity Commission and other stakeholders to seek ways of strengthening the independent governance of NHS charities, to ensure that we meet that standard without invoking the requirement for consolidation, and that matter is currently under discussion.

Jane Kennedy (Liverpool, Wavertree) (Lab): What are the latest figures for charitable giving to the Royal Liverpool Children's NHS Trust? If my hon. Friend does not have those figures to hand, may I, through him, pass on an invitation from the hospital to our right hon. Friend the Secretary of State? The hospital invites the Secretary of State to visit it so that, on his way to Goodison Park, he can see for himself the tremendous contribution that charitable giving makes to the new hospital that will be built with funds from the £1.2 billion committed by this Government to Merseyside for new hospitals.

Phil Hope: My right hon. Friend is absolutely right to say that charitable giving makes a huge difference. Many people who have experience of the national health service want as a result to make a gift or donation to thank it for the support and care it has given them, or a loved one. Many charities work closely with NHS institutions and NHS charities. This is a cause for celebration, and I want to make it clear today how much we value that, and that that independence is absolutely right. There is no question whatever that charitable funds could be used as part of NHS budgets; I want that very important message to go out from the House today.

Norman Lamb (North Norfolk) (LD): But the Minister will be aware that this question is causing enormous concern. Why has the confusion been allowed to continue for so long, given that the Charity Commission alerted the Treasury and the Department of Health to the problem in August 2008? The Charity Commission has made it clear that such an arrangement is not necessary or appropriate for charities in the state sector. The accounting rules concerned apply in the private sector. Why can we not rule it out once and for all?

Phil Hope: As I hope I have already suggested, we are actively looking into the dilemma that the hon. Gentleman describes, and I hope that he and all other Members of this House, as well as charities and the NHS, will join me in ensuring that we do not spread confusion and mislead people about the consequences of looking at those accounting standards. Let us be absolutely clear: we very much welcome people making contributions through charities to support those receiving health services. The role of NHS charities is crucial. Only one in 10 NHS charities are even affected by this possible accountancy change. It makes no difference to the NHS; it is not part of the NHS. I would hope that the hon. Gentleman would join me in ensuring that we put the record straight, and do not mislead or misguide people and deter them in any way from making such contributions.

Mr. Lindsay Hoyle (Chorley) (Lab): My local hospital—the wonderful Chorley hospital—is part of the Lancashire Teaching Hospitals NHS Foundation Trust. Why can we not ask for information, but our question has to go to Monitor instead? Surely, as a Member of Parliament, I should have the same rights as other MPs in being able to ask questions for Ministers to answer. Does the Minister not agree?

Phil Hope: My view is that Members of Parliament can ask Monitor for information, and can receive that information. I think that is entirely appropriate, and I would encourage Members who have questions they want to ask of Monitor to put them with the usual vigour with which they put question to Ministers here at the Dispatch Box.

Mr. Stephen O'Brien (Eddisbury) (Con): Despite the answers that the Minister has just given—this is of particular relevance to those of us who are trustees of charities and are finding that this problem is exercising us a lot in respect of our various fiduciary duties—the Government are still allowing there to be a risk of charitable donations being subsumed into hospital accounts. When people give to charity, they expect that money to be for extra things, rather than for those that are part of the established costs in the NHS budget. Will the Minister give an absolute guarantee that under the Treasury's new rules there will be no danger whatever of money given to charity being counted as part of the NHS budget, and that there will be no resultant offsetting?

Phil Hope: The short answer is yes. The long answer is that NHS charities are not part of the NHS, have never been part of the NHS and, under this Government, never will be part of the NHS. They are independent bodies, governed by an independent regulator, doing fantastic work in providing fantastic services. I hope that the hon. Gentleman—and the hon. Member for North Norfolk (Norman Lamb), who speaks for the Liberal Democrats—will stop putting out misleading information, and instead will reinforce the fact that NHS charities remain independent.

GP Telephone Numbers

9. **Mr. Laurence Robertson** (Tewkesbury) (Con): What recent guidance his Department has issued to GP practices on their use of 0844 telephone number systems; and if he will make a statement. [310024]

The Minister of State, Department of Health (Mr. Mike O'Brien): The Department issued guidance and directions to the NHS in England on 21 December, just before Christmas, that patients should not be expected to pay more than the cost of a local call to contact the NHS, including doctors' surgeries. GPs will have this year to end the practice completely and get out of any contracts that cause that to happen.

Mr. Robertson: I thank the Minister for that response, but he will be aware that the practice is continuing. He says that it must end this year, but there is an awful lot of this year left, so when does he expect the practice to end? Not only does it make it expensive for people to call their local general practitioner, but older people in particular often prefer a human being to answer the phone, rather than be responded to by a machine.

Mr. O'Brien: I agree that we need to ensure that this practice of some GPs charging more than a local rate for contact ends as quickly as possible. We have made it absolutely clear to GPs that they must get out of these contracts—a number of practices have signed up to and are legally bound by them—and they have the year to do so. We have engaged with some of the companies involved and, to be fair to them, they have said they are prepared to negotiate equitable arrangements with the GPs to see whether we can get them all out of this as soon as possible. They have all got to be out by 21 December, but we want them to be out now, or as soon as they possibly can be.

Mike Penning (Hemel Hempstead) (Con): This situation is not just in the hands of GPs; the provider that the patient is using is also ripping them off. For instance, when someone phones a GP's surgery on an 0845 number from a call box, the charges will be over the top, and people will still be charged even on the new 0300 numbers. Will the Minister examine why these patients are still being ripped off by their providers, as well as by GPs?

Mr. O'Brien: Our objective is to ensure that anyone trying to contact the NHS locally pays a local rate, and we need to ensure that such practice is adopted. If the hon. Gentleman has evidence to suggest that particular issues are arising, I would be happy to discuss them with him.

Alternative Medicine

10. **David Tredinnick** (Bosworth) (Con): When he expects to publish his proposals for the regulation of practitioners of acupuncture, herbal medicine and traditional Chinese medicine, following his Department's consultation on the matter; and if he will make a statement. [310025]

The Minister of State, Department of Health (Gillian Merron): More than 6,000 responses to the consultation, which closed on 16 November, have been received and are being analysed. Our response will be published as soon as possible.

David Tredinnick: This has been going on since 2004, so surely the Department can give us a date. Is the Minister aware that the Northern college of traditional Chinese medicine, which is in its 21st year, has had its university accreditation withdrawn by the university of Central Lancashire because there is no statutory regulation of this sphere? That is the fault of Ministers and something needs to be done—they need to get on with it.

Gillian Merron: I understand the hon. Gentleman's frustration with the amount of time that has been taken, but I know that he also understands that any regulation would need to be balanced and proportionate. These are complex issues and we want to get this right. I assure the House that Ministers are keen to see publication as soon as possible.

Purley Hospital

11. **Richard Ottaway** (Croydon, South) (Con): When he expects redevelopment of Purley hospital to take place. [310026]

The Minister of State, Department of Health (Mr. Mike O'Brien): Croydon primary care trust and the Mayday Healthcare NHS Trust are firmly committed to the redevelopment of Purley hospital. It is for those organisations to determine a timetable, and both have assured me that they will seek to keep the hon. Gentleman informed of the progress. I understand that he had recent meetings with at least one of them.

Richard Ottaway: I would have thought that the Minister would include a degree of humility and an apology in his answer. It is eight years since his predecessor stood at that Dispatch Box promising a new hospital in Purley. We are in desperate need of services in the south of our borough, so will he please give orders straight away to get on with this development and do so in such a way as to ensure that if there is a change of Government in a few months' time, the orders will stand and the development will still go ahead?

Mr. O'Brien: I am not surprised that the hon. Gentleman is anxious to avoid there being a change of Government, because we know that the new announced policy of his party may well mean that he will not get his hospital—I understand his concern.

I shall now deal with the specific point about Purley hospital. As the hon. Gentleman knows, it was to be developed by a private sector company called Translloyd, but as it was unable to get a retail developer on to the site, the original plan was declared to be no longer feasible. Translloyd still owns the site and Croydon council is trying to find ways to release it for development. As he knows, the problems arose in 2008.

NHS Funding

12. **Ms Sally Keeble** (Northampton, North) (Lab): To what extent levels of deprivation in local communities are taken into account by his Department in determining NHS resource allocations. [310027]

The Minister of State, Department of Health (Mr. Mike O'Brien): As my right hon. Friend the Secretary of State has said, deprivation is a key feature of the NHS funding formula, which reflects both deprived and older people's needs in health care. We are clear that we want to ensure that that remains part of the formula.

Ms Keeble: I am grateful to my right hon. and learned Friend for that answer. I wanted to ask him further about the deprivation experienced by pensioners in the community in view of the very tragic deaths of two of my constituents, Derek and Jean Randall, in quite appalling circumstances. In view of my lack of confidence in some of our local arrangements, will he ensure that his Department has very careful national oversight of the local review of the case that is going to take place? Will he ensure that any lessons that can be learned that apply nationally are rolled out and applied nationally to ensure that no one else has to endure something like this? It is completely inappropriate in 21st century Britain that pensioners should experience such ordeals and should die such very tragic deaths.

Mr. O'Brien: My hon. Friend is right. The case of Derek and Jean Randall is deeply tragic and we need to ensure that it is fully and properly investigated. I understand that a local multi-agency safeguarding board is undertaking a serious case review. I cannot comment until all the details are available—I have only read the front page of the *Daily Mail* today, and it certainly seems a very worrying case. I want to ensure that this is fully investigated and that the results of the investigation are open. We will take a keen interest in the outcome and we want to ensure that any lessons that need to be learned are learned and that this sort of thing does not happen in the future.

Sir Nicholas Winterton (Macclesfield) (Con): Will the Minister tell the House whether the level of deprivation featured in the decision of the Department of Health to end the reciprocal health agreement with the Government of the Isle of Man? That agreement, which has been in place since 1948, is to be ended on 1 April this year. This is a very serious matter. May I have an answer?

Mr. O'Brien: My right hon. Friend the Secretary of State will be meeting the Manx Minister in due course. We are not minded to change our policy on this. We take the view that our approach is the right one, and we will see what the outcomes are of the discussions with the Isle of Man.

Pharmacies

13. **Mr. Graham Allen** (Nottingham, North) (Lab): If he will bring forward proposals to protect small pharmacy businesses from the effects of in-house pharmacies opening in supermarkets. [310028]

The Minister of State, Department of Health (Gillian Merron): Independent pharmacies play an important and valuable role in providing pharmaceutical services. The NHS pharmaceutical services regulations treat all providers equally and there are no plans to change this.

Mr. Allen: After a powerful campaign by the local community in my constituency, we were able to keep open Mr. Mistry's pharmacy, a local community pharmacy in my constituency, and Tesco withdrew its application to have an in-house pharmacy nearby. That is a good outcome for everyone in the community, but will the Department pull together some of the big supermarkets and the representatives of the pharmacy associations to discuss a sensible way forward so that such battles do not take place and local communities keep effective pharmacy services?

Gillian Merron: Pharmacists such as Mr. Mistry and many others up and down the country provide an excellent service to their local community, and my hon. Friend is quite right to campaign for a vibrant and diverse range of pharmacies. The truth is that the public value and use a range of provisions from supermarkets through to local pharmacies. Perhaps we can look to the provisions of the Health Act 2009, which will mean that the local NHS will be able to assess local needs and to meet them.

Hywel Williams (Caernarfon) (PC): Does the Minister accept that there is a particular problem in rural areas, where the predatory practices of supermarkets might lead to the closure of pharmacies, depriving large geographical areas that are thinly populated? Will she take some steps specifically in that case?

Gillian Merron: The provisions of the Health Act will mean that the local NHS will be able to assess local needs, to fill the gaps and to monitor quality better. This is all about being driven more by the needs of the patient, whether they are in rural or urban areas, than by those of the provider of the services, as is the case at present. It is important to say that the supermarket sector provides some 5 per cent. of the market, whereas the larger contractors—such as Boots, the Co-op and Lloyds pharmacy—provide something like one third. There is no evidence that supermarkets are driving the smaller operator out of business.

Ambulance Turnaround Times

14. **Mr. Edward Vaizey** (Wantage) (Con): What his most recent assessment is of the performance of NHS ambulance trusts regarding ambulance turnaround times; and if he will make a statement. [310029]

The Minister of State, Department of Health (Mr. Mike O'Brien): Information on ambulance turnaround times is not collected by the Department, so in a sense we do not have that information. There is quite a wide range of data in relation to how long people get for lunchtimes and so on. We do, of course, keep response times and that sort of data.

Mr. Vaizey: Does the Minister agree with Unison that the new eight-minute target for ambulance response times could put patient lives at risk by forcing ambulance crews to go from two to one? Would it not be better to find a bottom-up solution and force ambulance trusts to publish their data on websites so that the public could see individual ambulance response times?

Mr. O'Brien: We certainly take the view that improving the response times of ambulances is very important. That is why the new response times have been put in—to take away the period of time for the call, which was one of the issues causing delays. In the past, the clock did not start ticking until after the call was put through, whereas we now include the time from the point at which the call is made. That is a better reflection of the standard of service that patients get. As for publishing every ambulance time, I think that might be somewhat bureaucratic, but information can now be provided in general terms about average ambulance times.

Topical Questions

T1. [310041] **Mr. Laurence Robertson** (Tewkesbury) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Health (Andy Burnham): Today, Sir Michael Parkinson has published his report on his year as the national dignity ambassador. I thank him on behalf of the Government for the time that he has given to raising awareness of the issues that affect us all and for the personal insight that he has brought to considering how we can improve care for older people. The fact that there are now 12,000 dignity champions working at a local level illustrates the difference that Sir Michael has made, and we will look to build on that.

As the cold weather continues, staff across the NHS, particularly ambulance services and accident and emergency staff, have been working extremely hard to minimise the impact on patients. Although it is under greater pressure, I can tell the House that the NHS in all parts of the country is coping well. I am sure that Members on both sides of the House will want to join me in thanking health and social care staff for their efforts to help to protect vulnerable people at this time.

Mr. Robertson: I certainly endorse the last part of the Secretary of State's comments. May I bring to his attention the rather long waiting list that people who suffer from acute back pain have to go through before they see a consultant? As a long-standing and regular sufferer myself, I know that it is no laughing matter. The waiting time is such that if the problem is serious, it can progress a great deal in that time. If it is a less serious problem, it will no doubt have corrected itself in that time. Whichever situation applies, the waiting time is far too long. Can the Government do anything about that?

The Parliamentary Under-Secretary of State for Health (Ann Keen): The hon. Gentleman is right to say that back pain creates many problems, not just for the people involved but for the economy in general. That is why we now have a system of self-referral to a physiotherapist. I believe that all patients should have that right. We will also be looking at the development in the chief medical officer's recent report on pain clinics and how chronic pain is managed, including how chronic and acute back problems can be managed.

T4. [310045] **Hugh Bayley** (City of York) (Lab): In 1997, there were 284,000 people waiting more than six months for NHS treatment. What is the figure today, and what are the Government doing to prevent the situation from sliding back to the bad old days when the Conservatives were in power?

The Minister of State, Department of Health (Mr. Mike O'Brien): My hon. Friend is quite right: we must prevent a drift back to the bad old days. In his area, Yorkshire and Humberside, in 1997, there were 26,719 people waiting more than 26 weeks. In November—these are the latest figures I have—the number was zero, so nobody was waiting. Whereas we will lock in that achievement as a right, the Conservative party would remove the guarantee. The Conservatives will have to explain to the public why they would do that.

T2. [310042] **Dr. Evan Harris** (Oxford, West and Abingdon) (LD): This morning, I faxed to the Public Health Minister's office some documents provided to me by the investigative journalist Jane Symons. Those documents show that the Human Fertilisation and Embryology Authority has not only spent millions of pounds pursuing, ultimately failingly, an individual clinician, but that the new chief executive who was brought in to sort out the problem had argued for an externally led inquiry last year. Why has that inquiry not happened? Does the Minister have any proposals to ensure that we know why millions of pounds of taxpayers' money was wasted in that way?

The Minister of State, Department of Health (Gillian Merron): I am grateful to the hon. Gentleman for his courtesy in forwarding the documents, but I remain of the view that it would not be in the public interest to pursue an inquiry. There have been a number of significant changes at the authority since the time of the incidents covered in the memo, which I would be happy to write to him about. However, the interim chief executive has acknowledged that the authority is not free from criticism, and there is to be an internal governance review to consider all these issues.

T5. [310046] **Mr. Brian Jenkins** (Tamworth) (Lab): Given the very harsh winter that we are suffering at present, I have no doubt that my right hon. and learned Friend the Minister of State will recall the annual winter crises that we used to have more than a decade ago. People—mainly elderly people—were lying on trolleys in our hospitals for days before they died, after which their bodies were stuffed in refrigerated vans outside. What can he do to assure me that those crises will never return to this country, and how do we manage to cure that problem?

Mr. Mike O'Brien: Elderly people are of course now able to benefit from flu jabs, winter fuel payments, pension credits and, when it gets very cold, cold weather payments. In 1997, the NHS spent £426 per person on health, but today it spends £1,612. Whereas the Tories were frozen in the ice of their own indifference to older people, this Government actually care.

T3. [310044] **Mr. Andrew Pelling** (Croydon, Central) (Ind): Will the Minister match the very helpful answer that I had from the Minister of State at the Department for Transport on Thursday about how that Department and the Department of Health have been working closely together to provide the preventive medicine of road gritting, so that hospitals receive fewer people with fractures? In Croydon's Mayday hospital, fractures are currently up 40 per cent., but at the beginning of the crisis they were up 316 per cent.

Mr. O'Brien: It is certainly the case that we need to ensure that the NHS works with local authorities to make sure that ambulances can get through, that ambulance crews can get to their ambulances, and also that the service is geared up to deal with the various problems arising from the recent very bad weather. We need to make sure that the various bodies work together, and the information that we have so far suggests that they are doing so.

T9. [310850] **Tom Levitt** (High Peak) (Lab): The Autism Act 2009 was a great success for Back Benchers across the House, in co-operation with a caring and receptive Government. It calls for the autism strategy for helping adults with autism and Asperger's syndrome to be published. Will my hon. Friend the Minister of State make sure that it is published before we are diverted by other matters a little later in the year?

The Minister of State, Department of Health (Phil Hope): I am grateful to my hon. Friend for his comments. The 2009 Act was a landmark piece of legislation, which was passed on a cross-party basis. I can reassure him that the autism strategy is due to be published before 1 April this year. Discussions on the strategy are going on as we speak. Indeed, the external reference group that has been advising us on it—and which involves service users, family carers, voluntary organisations, professionals and so on—met only today to consider its contents. The strategy will be backed up by a clear delivery plan, and further guidance for health and social care providers later this year. So yes, the Government are going to deliver on autism.

T6. [310847] **Dr. Richard Taylor** (Wyre Forest) (Ind): What does the Secretary of State consider will be the most effective way to reduce binge drinking in the young?

Andy Burnham: I recognise that the public mood is changing when it comes to alcohol—not just binge drinking, but the general intake of alcohol by the wider population. There is rising public concern, as reflected in last week's report from the Health Committee. The hon. Gentleman will remember the report on obesity that was published when I used to serve on the Committee with him. That report changed the nature of the debate, and it is possible that last week's report will come to do the same. We are looking at the next steps on tackling alcohol, and considering the consultation on the mandatory code and the measures to combat the irresponsible promotion of alcohol. We are also considering going further on labelling, but of course I remain open to further discussions with him and the Committee on how we may go even further.

Several hon. Members *rose*—

Mr. Speaker: Order. I want to get several more colleagues in, so I need very short questions and short answers.

Andrew Mackinlay (Thurrock) (Lab): I thank the Secretary of State for agreeing to meet the Chief Minister of the Isle of Man about the future of the reciprocal health agreement. Will he get his officials to look particularly at the impact that that decision could have on his and my constituents who are TT enthusiasts—motorcyclists—and the impact that it would have on NHS North West if the Isle of Man took its elective surgery purchases away from there to Edinburgh, Belfast or Dublin?

Andy Burnham: As the Minister of State, my right hon. and learned Friend the Member for North Warwickshire (Mr. O'Brien), mentioned a moment ago, I have agreed to meet the Manx Health Minister to discuss these issues. As a north-west MP, I know that the island has a long-standing relationship with the north-west of England and its health service, and I will commission the work that my hon. Friend mentions on the potential effect of purchasing being switched. I am not minded at present to change our position but I will, of course, listen to what the Minister has to say.

T7. [310848] **Tom Brake** (Carshalton and Wallington) (LD): I thank the Minister of State, the right hon. and learned Member for North Warwickshire (Mr. O'Brien), for his support for the Better Healthcare Closer to Home project so far. Is the Department on track to complete the review of the project by the end of this month, and is the Treasury ready to pick up the baton immediately afterwards?

Mr. Mike O'Brien: We want to move the project on as fast as we reasonably can, and we hope to be able to get things sorted through by the end of the month. Let us remember that there are some local decisions to be made over which we do not have entire control, but the objective is to get the project moving.

Alison Seabeck (Plymouth, Devonport) (Lab): Has my right hon. and learned Friend received any recent requests from the Ministry of Justice for up-to-date estimates of the increase in the number of secondary pleural plaques in order to enable it to come to a decision on a compensation package?

Mr. O'Brien: My hon. Friend has indicated that she wants to ensure that we are working with the Ministry of Justice on the matter. I assure her that we will be in regular contact in future with the Ministry of Justice to develop the Government's strategy as a whole in relation to pleural plaques.

T8. [310849] **Mr. Paul Burstow** (Sutton and Cheam) (LD): I strongly endorse the question asked by my hon. Friend the Member for Carshalton and Wallington (Tom Brake), but may I ask the Minister about another matter, which is related to autism, which has been raised already? Eight out of 10 GPs confirm that they feel they need more training so that they can better understand autism and care for the condition better. What will the Government do to ensure that there are sufficient resources, will and determination to deliver that extra training?

Phil Hope: The consultations that we have had and the development of the strategy, which we will publish shortly, have made clear the importance of the GP understanding, knowing, diagnosing and being able to refer on appropriately individuals who may have any condition on the autism spectrum. An important part of the strategy that we wish to pursue is the training of professionals—not only GPs, although they are a key and vital part of the front-line services. Training of professionals and raising awareness among professionals of what autism is, how to respond to it and what services are available is a critical part of the strategy going forward.

Natascha Engel (North-East Derbyshire) (Lab): At the last Health questions, I raised the issue of lab technicians who make dentures and crowns for dentists, and I thank my hon. Friend the Under-Secretary of State for agreeing to meet me and my constituent, Andrew Taylor, this afternoon. In advance of that meeting, can she confirm what her Department is doing to encourage UK dentists to use UK lab technicians?

Ann Keen: I look forward to meeting my hon. Friend in the next half-hour to discuss that in more detail with officials.

Mr. David S. Borrow (South Ribble) (Lab): It is estimated that there are more than 20,000 men and women in this country who are HIV-positive, and who have not been tested or diagnosed and therefore do not know that they are HIV-positive. Does my hon. Friend agree that the Department should aim to reduce that figure by at least 50 per cent.? What action is the Department taking to achieve that objective?

Gillian Merron: Obviously, early identification is crucial. We have talked at some length with the all-party group on AIDS about measures that we can take, and I am happy to continue those conversations.

Tim Loughton (East Worthing and Shoreham) (Con): I have a young mum in my constituency dying of breast cancer and desperate to prolong her life, with two young daughters who rely on her. She has been prescribed Herceptin. It is not working because of the size of the molecules. She is told by her specialist that Lapatinib would work for her. It costs less than two thirds of the cost of Herceptin, yet she is being denied it. I wrote to the Secretary of State on 19 November and I have chased him twice since, but I have still not had a reply. Will he please look at the matter urgently?

Mr. Mike O'Brien: I have indeed been looking into the issue of Herceptin, and I am aware of the way in which the National Institute for Health and Clinical Excellence has approached it. These are important and difficult issues, and I can assure the hon. Gentleman that, if he has an outstanding letter on this matter, I will chase it up with my officials.

Mr. Mark Harper (Forest of Dean) (Con): I was listening to what the Minister said about ambulance response times. They are of course important, but more important are patient outcomes—whether a patient lives or dies and what actually happens to them. What progress is the Department making on ways of measuring patient outcomes so that ambulance trusts can be more sophisticated in the way they deploy their resources?

Mr. O'Brien: I have heard the term "outcomes" being bandied about, but it is not always entirely clear what the Opposition mean by it; they seem to have different views of what it means at different times. As far as the Government are concerned, the important thing is that we ensure that the ambulance service is there when patients need it, that its response times are within the criteria that we have set for it, and that targets are met. The Opposition would get rid of the targets that save lives; we would keep them.

Paul Flynn (Newport, West) (Lab): Was the threat of 65,000 British swine flu deaths an unscientific exaggeration that has cost the country dearly, not only financially but in terms of stress and distorted NHS priorities?

Andy Burnham: We had to take every possible step to keep the country safe through what was declared a world health pandemic, not by this Government but by the World Health Organisation. We saw the events in Mexico in the spring, followed by the exceptional spike in flu cases in this country in the summer. There were understandably high levels of public concern, and I make no apology for making all the necessary preparations to keep the public safe through that. We have come through the pandemic because of the strength of the plans and preparations that this Government put in place.

Christopher Fraser (South-West Norfolk) (Con): Does the Secretary of State agree that, to allow waiting times for cancer treatment to be monitored, specific data should be collected individually for each of the most common cancers, so that a better picture can be seen? I was not sure from his previous answer.

Andy Burnham: I refer the hon. Gentleman to the report issued by the national cancer director at the end of last year. He will see in it the publication of data, primary care trust by primary care trust, that have not been published in this form before. The report shows how many patients are being referred on the two-week urgent referral pathway, and there is a whole wealth of data on survival rates. I am always prepared to go further, however. The complaint from the Opposition is always that we collect too much data, but if the hon. Gentleman wants me to go further, I am prepared to consider doing so.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): On Saturday, I met the Plymouth and South Devon Dystonia Support Group, which was celebrating its first anniversary. Will the appropriate Minister please meet me to discuss research and development, and treatment and support for that group of sufferers?

Mr. Mike O'Brien: Yes.

Tony Baldry (Banbury) (Con): The Minister of State, Department of Health, the right hon. and learned Member for North Warwickshire (Mr. O'Brien), made a welcome announcement over the Christmas break about payments to the Thalidomide Trust. Did I miss the statement to the House confirming that announcement? The news was very welcome, but I would just like to know whether it is now on the record.

Mr. O'Brien: I hope that I might be able to say a bit more about that in due course.

Greg Mulholland (Leeds, North-West) (LD): The Secretary of State knows that I have raised concerns about the awarding of the contract for the Eccleshill independent sector treatment centre in Bradford. He will now be aware that the decision to award that contract has been suspended for another five months. I have said that it should not go ahead in the light of the concerns, and that there should be a public consultation. Can he tell me why that decision was made, and whether we will now get that consultation?

Mr. O'Brien: We are still looking at that matter and I hope that I will be able to give the hon. Gentleman a fuller answer on the details in due course.

Mr. Peter Bone (Wellingborough) (Con): Earlier, the Secretary of State referred to the Health Committee's report on alcohol, and said that he was open-minded about it. Does that mean that the Government are prepared to consider minimum pricing for a unit of alcohol?

Andy Burnham: I suggest that the hon. Gentleman look at this Government's record on tackling tobacco over the past decade. That shows that we will continue to take the bold steps necessary to improve the health of the nation. I have said that we will do more on labelling, and on our mandatory code. Pricing is of course a key issue in this debate. I do not know whether he has concluded that minimum unit pricing is now essential, but we must also consider the issues of deep discounting and selling below cost price, which also form part of the equation. This is a time not for shouting across the Floor of the House but for both parties to address the issues and to ask whether the public mood has changed and whether we need to take a different approach to alcohol in our communities.

Andrew Stunell (Hazel Grove) (LD): The Royal British Legion says that little effective progress has been made on the veterans' NHS priority treatment scheme. What steps is the Minister taking to ensure that PCTs and hospitals monitor progress on this and that veterans get the care to which they are entitled?

Mr. Mike O'Brien: Yesterday I was able to make an announcement, together with Combat Stress, one of the veterans' organisations, to ensure that we deal in particular with some of the issues that arise as a result of people being involved in combat. We also want to ensure that GPs are more fully aware of the rights of veterans. We have asked that all PCTs ensure that they have somebody at a director level who is responsible for ensuring that this information gets out, and that strategic health authorities have someone in place at a director level—on the board—who is responsible for ensuring that this sort of information gets out and that veterans, who have served their country, get the service from the NHS that they deserve.

Mr. Speaker: Order. I think that the inquisitorial appetite has been satisfied.

Point of Order

3.36 pm

Mr. Stephen O'Brien (Eddisbury) (Con): On a point of order, Mr. Speaker. While you are in the Chair before the House goes into Committee, I wanted to ask for your guidance. The Minister of State, Department of Health, the hon. Member for Corby (Phil Hope), has written to my hon. Friend the shadow Secretary of State for Health stating that the costings in the published impact assessment on the Personal Care at Home Bill, which we are about to consider, are wrong. On 5 January, he told me in a parliamentary answer:

> "A one-off transition cost of £335 million is set out in the impact assessment".—[*Official Report*, 5 January 2010; Vol. 503, c. 277W.]

On 8 January, he told my hon. Friend that, strictly speaking, the one-off cost should be zero. Could you guide me, and indeed the rest of us, Mr. Speaker, as to whether it is acceptable under our rules for the House to be considering a measure today, particularly on the Floor of the House, when it does not have the full information before it, and despite the Government's having had adequate notice to correct their errors and to ensure that they furnished us with the information in advance of the debate?

Mr. Speaker: I am grateful to the hon. Gentleman for his point of order. I do not know whether a Minister present wishes to say anything; he or she is under no obligation to do so. The hon. Gentleman has registered his point very forcefully on the record. However, I hope that he will understand when I say that on the strength of his 12 and a half years' service as the hon. Member for Eddisbury, he knows that that is a perfectly legitimate point of debate but it is questionable whether it constitutes a point of order.

BILL PRESENTED

Sustainable Energy (Local Action) Bill

Presentation and First Reading (Standing Order No. 57)

Alan Simpson, supported by Mr. John Gummer, Mr. Gordon Prentice, Andrew Stunell, Mr. David Amess, Mr. Andrew Dismore, David Howarth, Mark Durkan, Andrew George, Mr. David Drew, Bob Russell and Steve Webb, presented a Bill to promote energy efficiency; to require specified bodies to publish sustainable energy plans; to make provision for the transfer of functions to principal councils; and for connected purposes.

Bill read the First time; to be read a Second time on 30 April, and to be printed (Bill 46).

Mr. Speaker: I apologise to the hon. Member for Eddisbury (Mr. O'Brien) for extending his service in the House by two years. He has been here for 10 and a half years; I will not say that it feels like 12 and a half.

Video Recordings (Exemption from Classification)

Motion for leave to introduce a Bill (Standing Order No. 23)

3.38 pm

Mr. Andrew Dismore (Hendon) (Lab): I beg to move,

> That leave be given to introduce a Bill to extend the criteria under which music and sports video works and documentaries lose their exemption from classification.

Although we passed—or perhaps I should say re-passed—the Video Recordings Bill last week, for technical reasons of urgency it was not practical to propose amendments at that stage. However, some small but highly significant amendments are needed to ensure a more robust regime for child protection. As chair of the Joint Committee on Human Rights, I am an ardent supporter of the right to free speech and expression, but I acknowledge the need for a system of regulation that protects children from harmful content in film, videos and DVDs.

At the current time, we have a very effective system of classification. The British Board of Film Classification undertakes extensive research into public opinion about what is acceptable content. The BBFC also takes account of research evidence and the advice of psychologists, health care professionals and the police, among others, to produce guidelines, which are updated every four years, that ensure that the content that reaches children in the UK legally in the form of film, DVDs, and videos is of an age-appropriate nature and is not harmful to them.

However, there are gaps in the current regime covering videos and DVDs under the Video Recordings Act 1984—the VRA—and that is what my Bill aims to address. The VRA permits a number of exemptions to the classification regime. Currently they relate not only to video games but to other video works such as music and sports videos. When the Act was passed in 1984, the assumption was that such works were unlikely to cause any concern. My right hon. Friend the Secretary of State for Culture, Media and Sport has recognised that the regime for video games needs to be updated, and the Digital Economy Bill, currently in the other place, is intended to do that. As an aside, it is important to note that in doing so it should in no way undermine the classification regime for linear—non-interactive—material by confusing the responsibilities of the BBFC and those of the Video Standards Council, which is intended to be the statutory authority for classifying video games.

Except in relation to video games, exemptions are unfortunately not addressed in the Digital Economy Bill. That is a missed opportunity and the reason I have chosen to bring forward my Bill, which would extend the criteria under section 2 of the VRA to result in specified video works losing exemption from classification. At present, exemption can be claimed for video works such as music and sports videos, which can be very popular with children. Those videos can then be sold to children perfectly legally, even if they contain material that is potentially harmful. My Bill is not intended to extend the VRA to all such exempted works, only to those that contain content that is potentially harmful, such as graphic violence, sexual content falling short of actual sexual activity, imitable dangerous behaviour and drug use. Harmless video works of football matches or artists from the "The X Factor" would remain exempt.

I have seen some of the less benign sport and music videos myself. For example, the Ultimate Fighting Championship's "UFC Best of 2007" is a combat video featuring martial arts and other fighting techniques. It is available on the high street to any child because its distributor has, quite legally, claimed exemption from BBFC classification under the VRA. It therefore carries no age rating or consumer advice. It contains close-up images of bloody and sustained head blows, which are replayed in slow motion from every conceivable angle to ensure that the best possible view is given of the moments of impact.

Another work that I have seen is Mötley Crüe's "Greatest Video Hits", which features topless lap dancing and a George W. Bush lookalike in a limousine with a prostitute. The packaging carries an E for exempt rating. Gorgoroth's "Ad Majorem Sathanas Gloriam" features bloody bodies being crucified and a sheep's head on a spike. The American band Slipknot is hugely popular with children, some as young as 10, as well as with teenagers. As expected from the band's reputation, its 10th anniversary DVD features strong content designed to offend parents. Among the most concerning images are those of the consequences of self-mutilation carried out by two teenage girls who have carved the name "Slipknot" into their arm and torso respectively, yet the video carries a letter E in a green triangle indicating that it is exempt from VRA classification.

Those are all works that parents could and should legitimately expect to be regulated, yet under the current legislation they can all be sold legally without any age restriction. Indeed, it is worth noting that some of that material is rated and age-restricted in other countries. For example, the German film classification body rated the Slipknot DVD as suitable only for those aged 16 and above and the Gorgoroth DVD as suitable only for adults.

Trading standards officers would welcome the power to prosecute the supply of such unclassified works, but believe that the current legislation exempts them because, for example, they do not contain gross violence, which is a very high threshold, or actual sexual activity. Local Authorities Co-ordinators of Regulatory Services, which represents local authorities on this matter, and the BBFC both support my Bill's minor amendments to section 2 of the VRA in order to broaden the criteria that determine when a video work loses its exemption. Such amendments would enable law enforcement agencies to prosecute the supply of video works that are currently exempted, to protect children from potentially harmful media content.

I understand that the Government believe that the enforcement authorities can already take such action. However, the view of those who actually have that responsibility is that they cannot, because of the very high bar set by the VRA in order to lose an exemption. For example, had the Slipknot DVD shown the two girls actually in the process of mutilating themselves with a sharp blade, that may well have constituted gross violence under the VRA, but showing the scars after the event almost certainly does not constitute violence sufficient to lose exemption from classification.

Many responsible members of the home entertainment industry voluntarily seek classification certificates for exempted video works that contain such potentially harmful material. Members of the British Video Association—the BVA—do so even though they are not legally obliged so to do. Their actions in this regard are to be commended. I understand that BVA members support amendments to the Video Recordings Act that would make it a legal obligation on distributors to have potentially harmful material classified, as proposed in my Bill, but there are distributors who do not take the same responsible attitude. That lack of a level playing field serves only to add to consumer confusion.

A parent looking through a shelf of music or fighting videos, some of which are rated 15 or 18, but some of which are marked E for exempt, is likely reasonably to draw the conclusion that the E video is suitable for younger children. Otherwise, the parents would assume, surely it would have been classified. Yet often, the content of E for exempt videos is virtually identical to or worse than that of an age-restricted product. I would therefore like to urge my hon. Friend the Minister to support this Bill.

To conclude, this Bill is aimed at modernising the VRA and improving consumer—and most particularly—parental empowerment, to protect their vulnerable children from harmful video material. I commend this Bill to the House.

Question put and agreed to.

Ordered,

That Mr. Andrew Dismore, Mike Gapes, Rob Marris, Mr. Virendra Sharma, Mr. Edward Timpson, John Austin, Ms Karen Buck, Clive Efford, Mr. John Whittingdale, Judy Mallaber and Keith Vaz present the Bill.

Mr. Andrew Dismore accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 26 February and to be printed (Bill 45).

Personal Care at Home Bill

[Relevant documents: The uncorrected transcripts of oral evidence taken before the Health Committee on 3 December 2009 and 7 January 2010, on Social care, HC 22-iii and iv.]

Considered in Committee

[SIR ALAN HASELHURST *in the Chair*]

The Chairman of Ways and Means (Sir Alan Haselhurst): In view of the selection of amendments to clause 1—the only substantive clause—I am not minded to allow a debate on clause stand part. That is open to reconsideration if there is any great gap in the discussion. I have tried to select a wide range of amendments and I hope that that will enable all the main issues to be debated.

Clause 1

FREE PROVISION OF PERSONAL CARE AT HOME

3.48 pm

Mr. Stephen O'Brien (Eddisbury) (Con): I beg to move amendment 9, page 1, line 7, leave out from 'in' to end of line 8 and insert—

'(i) extra care housing;
(ii) sheltered accommodation;
(iii) warden controlled accommodation;
(iv) care home without nursing;
(v) care home with nursing.'.

The Chairman: With this it will be convenient to discuss amendment 10, page 1, line 8, at end insert—

'(2A) After subsection (4) insert—

"(4A) In subsection (4) "care home"—

(a) in relation to England and Wales, has the same meaning as in the Care Standards Act 2000 (c. 14), and

(b) in relation to Northern Ireland, means a residential care home as defined by Article 10 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)) or a nursing home as defined by Article 11 of that Order."'.

Mr. O'Brien: The background to this Bill is the fact that social care provision is currently means and needs-tested. The needs test places an individual in one of four categories—critical, substantial, moderate or low. The mean test assesses assets. If someone has more than £23,000, including property, they are liable for the full cost of their care. Those who have more than £14,000 are liable for some of the cost. After the assessment of needs, and if someone is below the means threshold, the council will agree a care plan with them. For those in the critical or substantial groups, that may include entry to residential care; otherwise, care will be provided in the domestic setting. Free personal care will be targeted at critical needs only through regulations to be passed on the back of this Bill.

I hope that that was a useful scene-setter, because we should be under no illusion about what is happening in the Chamber today. The Secretary of State has said, in relation to this group of amendments and the Bill—it is effectively a one-clause Bill, because its substantive operation is in only one clause—that he wants to make social care one of the top three election messages. He did not say "priorities"; he used the word "messages".

The Prime Minister announced the policy under discussion in his address to the Labour party conference, where it was cleared with only 20 minutes to spare. The policy goes utterly against the grain of the Government's Green Paper on social care, not least because it is being funded from general taxation. The impact assessment on costings covers only two and a half years, because the Government know that the expense will sky-rocket after that. It is perhaps some small consolation that the Government are behaving like a Government who may not be in office in the next Parliament.

Nothing attests to the politics of the measure more than the fact that we are discussing it in a Committee of the whole House—a procedure normally limited to excessively controversial legislation, particularly legislation that is in free-vote territory. The Government are rushing the Bill through to prevent the fullest possible scrutiny. We will do our utmost to get through all the groups of amendments today, but I fear that that will be at the expense of the necessary wider scrutiny of the underlying issues of the policy behind the Bill. Another small consolation is that the fiercest attacks—certainly if the record to date is correct—will come from the Government's own side when the Bill continues its pell-mell progress in the other place.

The Secretary of State has said that he wants to create an "unstoppable momentum" for reform of social care. This piecemeal measure, which affects around 270,000 people—not even 5 per cent. of social care users—has already put a spanner in the works of the Green Paper process, preventing the full publication of the costings, so Ministers claim. Making the Bill work will put a spanner in the whole process of reform which, I fear, is the social care legacy the Secretary of State is aiming to leave. That comes on top of the point of order that I just raised with Mr. Speaker, prior to you, Sir Alan, taking the Chair for the Committee of the whole House. The impact assessment was prepared in a way that has not stood the test of time—even in the weeks since the publication of the Bill.

Amendment 9 would prevent care from being provided free of charge for more than six weeks to someone in any of the named institutions. It is deliberately a probing amendment, so that we can get to the bottom of the matter in the glare of the fullest scrutiny on the Floor of the House. I confess that we have had only smoke and mirrors from the Government on the matter.

Amendment 10 simply defines a care home. The Northern Ireland proposal is not relevant, but why has the Minister gone for the convoluted phrase,

"the provision of personal care to a person living in accommodation that an establishment provides to the person together with the care"

rather than using a statutory definition that is already in force?

Dr. Stephen Ladyman (South Thanet) (Lab): I am grateful to the hon. Gentleman for giving way at this early stage in his speech. Somebody living in "extra care" accommodation—one of the categories that his amendment would exclude—is by definition living in their own home and able to organise care services separately from the tenure of their own home. Even for the purposes of probing, what possible justification can there be for proposing to exclude "extra care"?

Mr. O'Brien: I am glad that the hon. Gentleman recognises that amendment 9 is a probing amendment. Quite genuinely, it probes the Government on the difficulty of their definition of home and the answer to the question what is a home. I hope he bears with me, because we will discuss the matter in some detail in relation to an amendment on transitional arrangements—I am sure he will immediately understand the connection between those and "extra care". The reason why "extra care" is particularly relevant is that the Government have chosen not to pick up the definition that already exists in statute, which was the point I was making when he helpfully intervened.

I cannot remember where the hon. Gentleman was in his ministerial career at the time of the Care Standards Act 2000; he might not at that stage have reached the Health team. Section 3 of the 2000 Act, passed by this Government, defines care homes thus:

> "For the purposes of this Act, an establishment is a care home if it provides accommodation, together with nursing or personal care, for any of the following persons."

They include:

> "persons who are or have been ill…persons who have or have had a mental disorder…persons who are disabled or infirm…persons who are or have been dependent on alcohol or drugs."

However, an establishment is not a care home if it is

> "a hospital…an independent clinic; or…a children's home…or if it is of a description excepted by regulations."

There is therefore already something in legislation that could have been helpfully used for the purposes of describing what is meant in the Bill by being in one's home or not in one's home. I hope that the hon. Gentleman will understand that the Government rightly need to be probed on that issue, because it will have a major effect on whether people qualify for the help that it is intended they should receive. Free personal care at home will be of significant interest to those who qualify for it and those who do not.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): Just to be helpful, I want to continue the discussion about extra care housing, which is referred to by amendment 9. The explanatory notes for the Bill specifically say that extra care housing qualifies under the new arrangements that the Government want to put in place. I am therefore bewildered that the hon. Gentleman should propose in his amendment to exclude extra care housing, because it can be the individual's home. I am listening with interest to his definition of residential care, but we also need to clarify what is meant by a person's own home, and the explanatory notes include a reference to extra care housing.

Mr. O'Brien: Given the way in which the amendments have been selected and the Chairman's strictures at the outset of consideration, I am conscious that, to stay in order in our debate on amendment 9, I shall have to postpone a more detailed discussion about extra care until our debate about transitional arrangements, which is where it will feature most strongly. I hope that the hon. Lady will bear with me, because the issue warrants discussion. However, as she will recognise, amendment 9 is a genuinely probing attempt to elucidate from the Minister, we hope, how we can get a much clearer and, more importantly, more secure definition of those who are likely to be eligible. After all, that is what will matter most to the people whom we are talking about, who are the most in need and, often, the most vulnerable.

Mr. Stephen Dorrell (Charnwood) (Con): Do not the two interventions that my hon. Friend has just taken illustrate a rather broader point than the narrow definitional point? The effect of his amendment 9 has been to draw the Committee's attention to those who are excluded from the category of people who benefit from the Prime Minister's election pledge. Should we not focus on why one group of people benefits from that pledge and why another does not? Those interventions illustrate the injustice of the new anomaly that, effectively, the Bill will create.

Mr. O'Brien: I am extremely grateful to my right hon. Friend, whose expertise and experience in this area are matched by none in the House and few outside it. We know the provenance of the Government's proposals as set forth in the Bill—we know that it was a rushed job, with only a 20-minute clearance time between decision and announcement at the Labour party conference—but even putting that to one side, he is quite right that it is vital to consider who is to be included. That question warrants proper scrutiny, because the fact that some people will be included means, by whatever definition is used, that the rest are excluded, and that will cause potential injustice.

My right hon. Friend will find that that is so from our discussions on later amendments, although I am conscious of how difficult it will be to remain in order, because things are so tightly drawn, not least the selection of amendments. That has been extremely constrained by the deliberately tight drafting by the Government of the money resolution, to try to exclude discussion on the much wider processes promised in the Green Paper and suggested by others, who have made some extremely interesting and sensible proposals in considering the reform of the whole of social care, rather than one small aspect of it, relative to the overall demand. I suspect that my right hon. Friend's concerns will be most clearly addressed when we come to an important discussion on compliance—how we ensure retained compliance with the European convention on human rights and the ability of the Secretary of State to issue the certificate under the Human Rights Act 1998, as stated on the front of the Bill. I very much hope that my right hon. Friend will have the opportunity to look at that aspect when we reach that point.

4 pm

Building on what my right hon. Friend has just helpfully mentioned, the Bill attempts to cut out residents of care homes from eligibility for free care. Last year, 50,000 people—yes, fortunate people, but also hard-working people who have done the right thing in investing, perhaps through a mortgage, in their own homes—had to sell their homes to pay for their long-term care, notwithstanding the fact that some sales did not occur until after people had died. That applied under a system that is available, but not often taken up, concerning whether people sell at the time they enter care or, indeed, when they leave it—under the home protection scheme or whatever.

Dr. Ladyman: I want to ensure that the hon. Gentleman is not inadvertently misleading the Committee, as he has said—in his opening comments—that the means assessment for care includes people's savings and their property. That is not the case with this Bill, because it deals with people living in their own home, and the value of their own home is excluded from the means test in deciding

[Dr. Ladyman]

eligibility for care. The value of one's home becomes a matter for the means test only when people are going to leave their own home and go into residential accommodation.

Mr. O'Brien: I am grateful. The hon. Gentleman is quite right that the words we use in this place matter greatly, but I think that when he checks the record he will find that in my introductory remarks I used the word "assets" rather than saying "their own home"—quite deliberately, because of the distinction that he has rightly pointed out. The question of one's own home becomes relevant only at the time when one is being adjudged by proper assessment criteria as needing to leave that home in order to go permanently—or where it is expected to be permanent—into a residential care or other home setting. As we go through these definitional issues, it is important to recognise that these are real situations often involving vulnerable people in emergency situations.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): I have the feeling that we may have more time than the hon. Gentleman thinks; I cannot recall a clause being given a whole day for consideration, but we will make the most of the time we have. The hon. Gentleman is putting a quite serious amendment before the Committee, as it ranges from "extra care housing" all the way through to "care home without nursing" and "care home with nursing". If we were to endorse his amendment, what would be the implications, particularly financially, for local authorities?

Mr. O'Brien: I hope that the right hon. Gentleman has been listening—well, he has obviously been listening, but I hope that he heard my saying that this was a probing amendment, so the Committee will not have the opportunity to endorse it. As I said, it is deliberately intended to probe the Government's intentions on who should be included, as well as who should be excluded, as my right hon. Friend the Member for Charnwood (Mr. Dorrell) said. With great respect to the doubtless very thorough briefing prepared by Labour's backroom people, it would be helpful—particularly given that all the questions relate to the same issue—if it were recognised that tabling a probing amendment does not necessarily invite Members to pass it. The amendment was tabled as a probing amendment and it was designed to elucidate information from the Government. That is precisely the official Opposition's job.

I have already mentioned that the real debate on the issue will take place when we reach the amendment dealing with transitional arrangements, so I am keen not to get deflected by being forced to answer a question that really requires an answer from the Government. It is thus for me to ask the Minister whether he is happy with the drafting of provisions intended to cut out residents of care homes altogether. Are there no grey areas or any difficult marginal issues? Is the Bill drafted in such a way and is the money resolution so tightly drafted as to make it explicit that people who have done the right thing could none the less be automatically excluded because they own their own homes?

Is the Minister happy to put this issue on the backburner, since the Bill has thwarted the Green Paper's aim? The Minister has asserted outside the House that all this is consonant with the Green Paper process. On the contrary, it has thrown a spanner in the works of the process of examining social care as a whole. That means taking account of those who own their homes as well as those who do not, and those who have assets as well as those who have none. It means taking account of very different levels of care need, and of problems relating to the interrelationship between health and social care. Many Members have reflected their constituents' concerns in referring to efforts to persuade the NHS and social care providers to be a little more flexible at the margins in order to prevent the terrible difficulties that people experience in trying to gain access to appropriate care and support.

I wonder why the Minister could not at least consider—we invited him to do so on a number of occasions—presenting this Bill in tandem with a measure similar to our home protection scheme. It would have been fine for him to claim authorship for it if he had wished. That would have dealt with the difficulties confronted both by homes and by those receiving care in them, as well as by those receiving care in a different setting. Is the Minister satisfied that what I hope he will accept is the somewhat clunky drafting of subsection (2) is strong enough to prevent a legal challenge?

On Second Reading, we drew attention to the dangerous impact that the subsection could have on residential care supply. If people are given an incentive to invest in extra care at the expense of residential care, that could distort provision. There is also another issue of more immediate concern. I shall exaggerate it for the sake of the argument, but I hope the Minister will accept what I say in the spirit in which it is meant. The whole point of scrutinising legislation is to ensure that a Minister has no defence if he subsequently says that the consequences of that legislation were unintended. If at this point I describe the problems and mischief that the drafting allows, and if those problems and mischief indeed come to pass, it will be wholly legitimate for me to say, "No, Minister, I warned you, and it was therefore entirely intended for this to go wrong", and the Minister will have no defence.

When a care home owner wakes up on the day that the Bill is passed and seeks to outsource provision to a company that he or she wholly owns, will it still constitute care and accommodation provided by "one establishment"? What, in fact, is the legal definition of "establishment"? Can the Minister confirm the possibility of a loophole in the legislation? He has confirmed to me in a written answer that

> "It is open to any residential care home to reshape their service".—[*Official Report*, 8 December 2009; Vol. 502, c. 281W.]

Will he also tell us the potential cost of the exploitation of such a loophole to the taxpayer? What if 100 per cent. of those in care homes with critical care needs became eligible for free personal care? I would have hoped that if the Minister could not answer that question now he might write to me, but he has already said that he is not prepared even to do that.

The legislation was drafted in haste on the basis of a back-of-the-envelope impact assessment. The Minister has already confessed in writing that that impact assessment was wrong and needs to be corrected. It consists almost entirely of estimates. Given the mess that the Labour party has made of our public finances, it is more important than ever for the Committee to be informed of the potential liabilities of the taxpayer should there be loopholes in the Bill.

Dr. Ladyman: I can probably find common cause with the hon. Member for Eddisbury (Mr. O'Brien) in certain respects. I understand his desire to probe the Government and secure greater clarity. As was observed by the right hon. Member for Charnwood (Mr. Dorrell), a former Secretary of State, it is plain that at some point the Government will have to go further. I see no moral justification for excluding a group of people with fairly serious care needs from Government help, whether they are in their own homes or in residential accommodation. At some point in the near future, we will require a personal care not at home Bill to address that need.

I might part company from the hon. Member for Eddisbury on this point: he and his party have proposed the idea of a home protection system, under which, for a fee, the totality of a person's residential costs will be met. I believe that that would create a strange precedent, because for the first time an individual in this country would not be responsible for providing their own board and lodging. It has always been a principle that we are all responsible for providing our own board and lodging. Even if we have to pay for it out of benefits, that is still taken into account. The Opposition's solution to the problem would go against that principle.

In probing the matter before us, the hon. Gentleman has set running some hares that perhaps need not be set running. I am particularly concerned about the fact that he is attempting to exclude extra care housing, because I believe that it is a model for the provision of care for older people in the future. Indeed, the huge majority of older people tell us they would aspire to such an arrangement were they to develop a care need because it means that they could live in their own accommodation.

If the hon. Gentleman looks at the Department of Health website, he will find a clear definition of extra care housing, not least in the guidance for a competition in which developers were invited to bid for an £80 million fund to build extra care accommodation. One of the key elements of the definition is that the individual lives in their own home. They might have bought their extra care accommodation or be living in it as a tenant, but they will have security of tenure; they will have self-contained facilities so that they can cook and have access to their own bathroom and sanitary facilities; they will have their own front door that they can close to the world if they so wish, and they will be able to arrange their care needs themselves.

The current system of means-testing people has the added advantage that, given that the accommodation will be the person's own home, the value of that home cannot be taken into account in the means test. The person might be looking to protect some of their savings, and that is a good way of preserving equity and passing it on to children—that might be important to them. I believe passionately, therefore, that extra care housing is a model that we need to promote. I believe that the Government have accepted that, and until we started debating the Personal Care at Home Bill and amendments to it, I always thought that the Opposition wanted to promote it as well. However, in the light of Second Reading and—on the face of it—amendment 9, I am now seriously worried about whether they understand the nature of extra care housing and its importance in the future.

Mr. Dorrell: Is the hon. Gentleman not missing the point? We all agree that the desirable developments being debated represent the direction of travel that we should be encouraging. However, given the artificial divide in such services that the Government are creating, my hon. Friend the Member for Eddisbury (Mr. O'Brien) was seeking to establish on which side those listed in the amendment will fall.

Dr. Ladyman: I understand the purpose of the probing amendment, but I would be less worried had the shadow Secretary of State not shown on Second Reading what to my mind was a vague understanding of what extra care housing is all about. He seemed to misunderstand completely the function and nature of extra care accommodation. I became doubly worried when I read amendment 9 and saw that once again the Opposition were seeking to list it as one type of accommodation that should perhaps be excluded from free personal care.

I was reassured to hear the hon. Member for Eddisbury say that this is a probing amendment and that he did not intend to exclude extra care from the provisions. I look forward to engaging with him later in the debate about transitional arrangements when perhaps we can explore the matter a little more, and I encourage my hon. Friend the Minister, when he responds to the amendment, to provide the clarity that the Opposition are seeking about the types of accommodation in which one would be eligible, under the Bill, for free personal care, and to reaffirm the Government's support for extra care accommodation. If that is his response to the amendment, I hope that later in the day we might hear an acknowledgement from the Opposition that they also understand the importance of extra care, and that they, too, will support it in their future policy.

4.15 pm

Greg Mulholland (Leeds, North-West) (LD): Although I am pleased that we are having the Committee stage of a Bill on social care, I must begin by saying that the Liberal Democrats, too, have real concerns about the timing and process in respect of this Bill. The Bill has one clause and covers less than two sides of A4 paper. The way that it was announced was regrettable; it was announced not to the House, but to the Labour party conference. It is also only one piece of the jigsaw in terms of the great social care crisis. It was announced mid-Green Paper consultation and pre the White Paper that is supposed to be published in a few years, and came with a clearly inadequate impact assessment. Regardless of what the policy is, this is, as Lord Lipsey said,

"a very bad way to do policy".

Turning to the amendments, it is very important that we start with accurate definitions, not only of what is a care home, but of what we mean by personal care. I regret that the amendments that were selected do not include one that probes what we mean by personal care. An understanding of that definition is even more fundamental than what we mean by people living in their own homes, or care homes. I draw the House's attention to the detailed and interesting definition of personal care suggested by Help the Aged and Age Concern, and I regret that we will not get a chance to debate that.

[Greg Mulholland]

We must also look at the experience in Scotland—at the situation that has developed there arising from a lack of clarity about what is meant by personal care. This Bill presented us with a great opportunity to look again at, and clarify, what we mean by personal care, but that opportunity has been missed.

Dr. Ladyman: The definition of personal care is already very thoroughly covered in existing legislation, which is why it does not need to be in this legislation, and why the hon. Gentleman's criticism of the Chair for not choosing an amendment on that is rather unfair.

Greg Mulholland: That is the hon. Gentleman's opinion, and he is—

The Chairman: Order. The hon. Member for South Thanet (Dr. Ladyman) should not presume a degree of censoriousness on the part of the Chair, which the occupant of the Chair had not leapt to make clear. So I think the hon. Member for Leeds, North-West (Greg Mulholland) has got away with it.

Greg Mulholland: I thank you for that, Sir Alan. The hon. Member for South Thanet (Dr. Ladyman) is entitled to his opinion, but Help the Aged and Age Concern are equally entitled to theirs, and I know who I would listen to first and foremost when discussing policy of this nature.

Turning to the two amendments of the hon. Member for Eddisbury (Mr. O'Brien), I share the concern that there is insufficient clarification of what is meant. The right hon. Member for Charnwood (Mr. Dorrell) has put his finger on the key point: what is crucial to consider is who is excluded by the Bill. It touches only a tiny number of the people who are affected by the problems of the social care crisis, which has been getting worse for many years.

In terms of the amendments, however, I have some concerns about the definition offered. Concerns have rightly been expressed about what is meant by extra care housing, but we must also consider the meaning of "sheltered accommodation" and "warden controlled accommodation", which are mentioned in the list in amendment 9. What do we mean by "sheltered accommodation"? Is there an absolute definition of that? I suggest that there probably is not—there certainly is not from a legislative point of view. Is it not possible for someone to buy and own or, indeed, to rent what is clearly their own home in which they live but for it to be subject to some oversight from an organisation and thus fall under the category of "sheltered accommodation"? We are in danger of entering a minefield here, so we must be clear on this issue.

As the hon. Member for Eddisbury made clear, this is a probing amendment, so I just ask the Minister to give the Committee clarity. He must show that the Bill and the Government are clear about what is meant by people who are "at home" and need to receive this accommodation. They must make it clear that there is no possibility, in respect of sheltered accommodation, extra care housing or warden controlled accommodation, of people who are clearly living in their own home—in a way that any normal person would recognise—falling outside the remit of this Bill.

Mr. Dorrell: I congratulate my hon. Friend the Member for Eddisbury (Mr. O'Brien) on his amendment, and not because I think that he is seriously suggesting that it should be included in the Bill—he has made it explicitly clear that that is not his intention. He intends to focus the Committee's attention on the large group of people who are defined out of, or excluded from, the category of beneficiaries of the Prime Minister's pledge; as I said in my intervention, these are the people who are excluded from benefiting from the pledge.

Of course, across the House, we all acknowledge that this long-standing aspect of public policy has not been satisfactory. It was the former Prime Minister who, soon after the 1997 election, made it clear that payment for social care needed to be the subject of rigorous and profound examination. That is not the purpose of this amendment; it is an attempt to define clearly the large group of people who are excluded from benefiting from this Prime Minister's pledge, rather than focusing attention on the relatively small number who will benefit from it. The reason for focusing on the people who are excluded is to remind the Committee of the very much larger group of people who remain, as they have since 1997, suffering from a system of payment for social care that Members from across the House acknowledge to be inadequate.

Norman Lamb (North Norfolk) (LD): The right hon. Gentleman is right to point out the large number of people who are excluded from this Bill, but this goes further than that, does it not? The imposition of the duty in respect of the small group of people who will be included within the terms of the provision could well adversely affect all those who are excluded, particularly those who are currently benefiting from care provided by local authorities on a discretionary basis—they could well see their care cut back.

Mr. Dorrell: The hon. Gentleman is entirely right, because of course the cost of even this limited pledge is significant in public expenditure terms and the Government have made it crystal clear that no additional money will be provided to local authorities to allow them to meet the additional burdens that this pledge imposes on them. Thus, it must be assumed that somebody, somewhere else, who benefits from local government expenditure—as he says, it is likely to be other people who benefit from social service expenditure—will pay for this pledge from the Prime Minister.

As a result of the amendment tabled by my hon. Friend the Member for Eddisbury, I wish to focus on the implications of creating this distinction between the small group of people who will benefit because they receive "personal care at home" and the much larger group who will still have to pay for personal care under the old rules. What are the implications of creating that new distinction? I suggest that there are three such implications on which the Committee should focus.

The first is the short-term implication. A group of people who change their care arrangements according to their requirements will suddenly find themselves taking decisions based on a major cost implication that ought to be taken based on their care need. There will be two categories: those who are at home, who get all their personal care free; and those who are defined as out of the "at home" category, who will still have to pay for their personal care according to the old rules. It therefore matters hugely who is "at home" and who is not "at home", and the amendment tabled by my hon. Friend the Member for Eddisbury is an attempt to define precisely who is not "at home".

The former Minister, the hon. Member for South Thanet (Dr. Ladyman), reacted to my hon. Friend's amendment by saying, "Oh, these people who receive extra care ought to benefit from the pledge." Perhaps they ought to benefit from the pledge, but if they do, the cost will go up immeasurably from the £500-odd million that the Government say that it will already cost. My hon. Friend is drawing attention to the fact that the much larger group of people who do not receive personal care "at home" will be the losers from this prime ministerial election pledge.

That is the first implication: where there is currently a logical development of care provision, in future there will be two categories and an anomaly created by the move from one category to the other. That is the first and immediate consequence. The second consequence, which is, in my view, much more malign, is that if this policy were to endure for any length of time, people would change their behaviour to ensure that they fell on the right side of the line to benefit from the pledge rather than on the wrong side of it.

Let me pose a few questions to the Committee. If personal care at home is free, but personal care delivered not at home is not free, is somebody allowed to move their home in order to ensure that their personal arrangements move from one side of the line to the other? Members of this House have learned over the past 12 months the dangers of moving their house from one place to another in order to qualify under rules under which one did not previously qualify. If we create a group of people for whom personal care is free and say that it is available only to those who are at home, we should not be surprised if people who receive personal care and do not qualify immediately change their arrangements in order to ensure that they qualify. The definition of what constitutes "at home"—of who is included and who is excluded—will be the subject of constant challenge as people change their arrangements to ensure that they qualify, although they originally did not.

I was reading the definition that the Government have offered of people who are excluded from the benefit of the pledge. Let me repeat it to the House. People are excluded if there is

> "the provision of personal care to a person living in accommodation that an establishment provides to the person together with the care".

If I provide accommodation and personal care to my parents in my grannexe, will that be included or excluded? Is a grannexe where I or my family provide personal care to my elderly relative included or excluded? Is my grannexe an "establishment" according to the definition in this statute? It is unclear to me.

Mr. Robert Syms (Poole) (Con): My right hon. Friend makes a very important point. He also raises the issue of whether the provision of personal care by a relative is likely to be acceptable, as it is in the Netherlands and some other countries within Europe, or not.

Mr. Dorrell: Absolutely. If, as I profoundly hope given all the pressures on public expenditure, we are not going to get into the business of using taxpayer resources to pay relatives to give care, where will the dividing line be drawn, given that we are creating a very powerful incentive to people to change their behaviour?

Norman Lamb: The right hon. Gentleman makes a very good point about the danger of a partial solution changing behaviour and having perverse consequences, but does he not agree that the Conservative proposal carries the same risk in that the pledge relates only to providing for the cost, through insurance, of care in residential homes? That is also a partial solution that would influence people's decisions.

4.30 pm

Mr. Dorrell: The difference is that my party is committed to moving quickly to the development of a total solution. We have made it clear, and it has been clear in our thinking right back to my days as the Secretary of State, that we cannot do that by landing the bill, in either small or large stages, on the taxpayer. The Government also took that view until the summer; indeed, until a day in October the Government took the view that this was an unaffordable bill for the taxpayer. That conclusion must underlie sensible policy in this area, but it is under challenge as a result of the Prime Minister's pledge.

Mr. Stephen O'Brien: May I take my right hon. Friend back to the difficulties that he rightly outlined about the definitional point and how things might change? Earlier, I gave an example about how an owner of accommodation might be able to change things by having two companies. I am reminded that on Second Reading the hon. Member for South Thanet (Dr. Ladyman) helpfully described as extra care accommodation a specific type of accommodation in which people might buy into a retirement village and be able to move around within it as tenants and leaseholders. It is precisely because such arrangements can be changed both by the owners and, as has been pointed out, by the tenants that we are having to raise these doubts through this probing amendment.

Mr. Dorrell: I am grateful to my hon. Friend for his comments, and I agree with him. What is clearly illustrated here is that any attempt to write into the statute book crude rules that create one category of free personal care and another of paid personal care will be fraught with difficulty, particularly when one is trying to do it at 20 minutes' notice, on the run, on the way to the podium at the Labour party conference. I agree with Lord Lipsey that that is one way not to make policy.

I have a final question to put to the Minister.

Dr. Ladyman: Will the right hon. Gentleman give way?

Mr. Dorrell: I shall look forward to putting my question to the Minister, but I shall give way one more time.

Dr. Ladyman: The right hon. Gentleman is making some important points, but will he reconsider his statement that this is a crude way of achieving the objective? The measure simply removes the six-week limitation on free care from another piece of legislation that has been operating very successfully for some years. It is therefore anything but crude. The precedents and definitions have all been set, and all that the clause does is say that instead of the free care being limited to six weeks, it can be provided for much longer.

Mr. Dorrell: With respect, I think that the hon. Gentleman is being disingenuous. My recollection is that the six-week limitation was introduced specifically to prevent policy from migrating in this direction, while still allowing the discharge of patients from hospital when they should no longer be in there. It was introduced to facilitate orderly discharge out of the NHS, rather than as precursor to the development of free personal care in the social care sector.

Dr. Ladyman: I certainly was not trying to be disingenuous. The legislation that is being amended says that the Government can tell local authorities in certain circumstances to provide people's care for free in their own home for a period of six weeks. The measure simply takes the six-week limit away. The rules and precedents that define the system are already established, so this is actually quite a neat and elegant way of achieving the aim quickly.

Mr. Dorrell: I genuinely listen to what the hon. Gentleman has to say, and I recognise that he has knowledge in this area, but I think that he is wrong on this point. He says that the measure simply removes a bureaucratic rule, but doing so changes the nature of the rule on free personal care at home. The six-week rule was designed to facilitate the discharge of patients at the end of their NHS care in NHS hospitals. It was not designed as a means of funding social care for anything other than the shortest terms in that context.

I have spoken about people changing their behaviour and so forth, but they will not do that in anything other than the most convenient way to ensure that they qualify for the six-week limit. Social care can go on for years, or even decades in some cases, so all the points that I have made about changing behaviour and the pattern of provision apply in a way that they do not in the context of the six-week rule.

My final question to the Minister is very important. Under the direct payments legislation, individual beneficiaries of social care can convert their entitlement to social care into a direct payment, but will that apply to personal care provided in the context of this pledge? If so, that is another extremely powerful incentive for people to change their behaviour in order to qualify under the rules.

The Minister of State, Department of Health (Phil Hope): Of course it will.

Mr. Dorrell: The Minister says that of course it will, but I challenge the Government on that. If the direct payments legislation does apply to care provided on this basis, I simply do not believe that, beyond the first few months, the cost of the scheme could be limited to anywhere near the £530-odd million that the Government have estimated for the scheme as a whole.

Mr. Syms: I am generally in favour of one-clause Bills, and most of us have sat in Committees considering Bills of 200 or 300 clauses. Nevertheless, such a short Bill means that trying to find out its implications presents a problem, and that Opposition Front-Bench Members must show ingenuity in engendering a debate that allows information to be put on the record. That information is needed so that the people who provide and receive the care can learn a little more.

I agree with my right hon. Friend the Member for Charnwood (Mr. Dorrell). I listened to what the hon. Member for South Thanet (Dr. Ladyman) said, and he has participated in this debate for a long time, but the change in the six-week rule does make quite substantial differences to the overall pattern of care.

If Opposition Members are cynical about the proposal that may be because one of the first things that the Government did after 1997 was to set up a royal commission that recommended free personal care, but that got dropped. Now here we are at the fag end of a Parliament and we get this rushed Bill, with questionable costings, which will fall after the election, and big implications for many of our constituents. Although amendments 9 and 10 may not be perfect, they at least allow us the opportunity to raise important questions.

The Government themselves produced the Green Paper, and I thought that it was a good effort at looking at the whole system comprehensively. The Select Committee on Health is looking at personal care, so it is a pity that we are rushing ahead with this option without taking a comprehensive look at things. When one rushes ahead one creates cliff edges and biases in a system that benefit some and exclude others. As I think the hon. Gentleman said, the implication is that, subject to the funding arrangements, we will have to add another bit to the Bill to make it more comprehensive in the future. Definitions are very important, and I am still not sure that we have got to the bottom of that argument.

Costings are also very important, and the Government are using the "magic pot of gold" argument that I have heard time and time again. The efficiency savings that they propose will be made at the expense of local government, which is going to have a difficult time over the next few years. Amendments 9 and 10 give us the opportunity to say a few words about that.

When the Minister responds, I hope that he can answer some of the very important questions that have been raised and give some reassurance that the Government have thought through the Bill's implications rather more comprehensively than seems to be the case at first glance. However, I fear that perverse incentives are now going to be built into the system. If local authorities have to provide more money but do not have the budget to do so, my concern is that they will deal with the changes by spreading what they have rather more thinly. That could mean that although 380,000 people will benefit from the legislation, if the funding is not sufficiently robust, they will not benefit to the extent expected.

Norman Lamb: May I pursue briefly the point raised by the right hon. Member for Charnwood (Mr. Dorrell) with regard to direct payments? The Minister, from a sedentary position, said that of course the Bill provided for the support to be given by way of a direct payment, but when we sought to table an amendment to clarify that, we were told that it was outside the money resolution, and that that was not what the Bill provided for, because it provided for care at home.

If that is the case, the Bill will pursue policy in a very different direction from that which the Government have followed up till now, and the outcome will be the perverse situation that someone receiving care under means-tested arrangements will be encouraged to receive their care by way of a direct payment, giving them maximum flexibility in how they chose to spend that money, whereas someone receiving care as an entitlement by virtue of the Bill will be entitled only to receive care imposed on them, in a sense, by the local authority.

It is self-evidently important for the Minister to clarify whether the Bill provides for the provision of support by way of a direct payment. If it does not, it is clear that an amendment needs to be tabled by the Government if it is beyond the scope of Opposition parties to do so.

Mr. Lee Scott (Ilford, North) (Con): May I emphasise, as other hon. Members have done, that it is vital that whatever pressures are put on local government, it is given the full funding by central Government to pay for the measures, and that that funding is not expected to come from existing budgets, or it will not be viable and will not happen?

Phil Hope: I am pleased to be taking the Bill through its Committee stage on the Floor of the House. In addressing the amendments, I should like to place my remarks in a slightly wider context.

The hon. Member for Leeds, North-West (Greg Mulholland) said that the Bill was very small, but I can tell him that it will have a very big impact. As the Minister of State with responsibility for care services, I am hugely proud to take the Bill through its Committee stage and Third Reading this evening. The Bill will provide support and relief to some 400,000 older people with the greatest personal care needs in their own home—people with advancing conditions such as Parkinson's, dementia and motor neurone disease—and 280,000 people who require high levels of intimate personal care on a day-to-day basis at home will now get those services free.

As has been remarked, many of those people have faced the burden of paying large amounts of their own money—they do not lose their own homes; my hon. Friend the Member for South Thanet (Dr. Ladyman) rightly corrected the hon. Member for Eddisbury (Mr. O'Brien) on that—for care as their conditions deteriorate. The Bill will remove that millstone.

Norman Lamb: Is it not the case, though, that a significant proportion of those people whom the Minister identifies as benefiting already benefit by way of the means-tested system, that the net number will be significantly smaller than the number that he cites, and that, as the Government's own impact analysis demonstrates, the wealthiest group of pensioners will benefit most?

Phil Hope: I do not want to stray from the amendments, but the hon. Gentleman is right to say that a number of people who will benefit for the first time are self-funders, and a number of people who pass the means test and qualify for free personal care will have that free personal care safeguarded as a result of the Bill. That is particularly important, given the uncertainties of the future.

Mr. Simon Burns (West Chelmsford) (Con) *rose*—

Phil Hope: I am happy to give way, but I should like to start to address the amendments.

Mr. Burns: I am grateful to the Minister for giving way. On a point of information, if the Bill were to become law and came into effect on 6 April, would people who are currently self-funding their care qualify, or would only new patients with medical conditions developing who required help be covered by the Act, as it would then be?

Phil Hope: First, it is social care, not medical care, that is being provided. The hon. Gentleman's phraseology suggested that he was talking about medical care, and I want to make it clear that this is about personal care for people whose need is most critical and who need help with toileting, and so on. This is about intimate personal care.

4.45 pm

A number of guidelines and regulations are out for consultation, and they will need to be enacted when the Bill receives Royal Assent. People will qualify from 1 October this year. The process by which that will happen will also be the subject of guidance, to ensure a smooth transition as people who are currently in their own home and who qualify under the appropriate criteria start to qualify for free personal care. The provisions apply not only to new entrants; people who are currently living in their own home and paying for personal care because they failed the means test will now start to get their care for free. A further 130,000 will receive free reablement or rehabilitation to help them to recover their independence after a fall, a bereavement or a serious illness. I will say more about that when we discuss the later amendments.

The Bill is based on the simple principle that we must do everything that we can to help people to live as well as they can and for as long as they can in their own home. That is what people tell us they want. This Government policy has been shared by both parties, at least since 1998 when the Griffiths report was produced. Indeed, the right hon. Member for Charnwood (Mr. Dorrell), when he was Secretary of State, supported the view that we should give as much support as possible to people in their own home, because that is what they want. I have listened to his remarks and those of his Front-Bench colleagues today, and I hope that that position has not changed. I hope that all parties in the House will support and respect the wishes of people—young adults as well as older people—to live in their own home.

Amendment 9 would amend section 15(4)(b) of the Community Care (Delayed Discharges etc.) Act 2003 so as specifically to list a number of settings in relation to which a six-week restriction on the ability of regulations to require provision of personal care for free would remain. The hon. Member for Eddisbury described it as a probing amendment, and I understand that, although I think that Labour Members listened quite carefully to ensure that that was the case and that the Conservatives' position had not changed.

The list in amendment 9 is entirely inappropriate, as it includes some settings that are more appropriately described in the way that clause 1(2) describes them, and some settings that we would describe as falling within the notion of living at home—such as extra care housing, sheltered accommodation and warden-controlled accommodation, all of which are listed in the amendment.

My hon. Friend the Member for South Thanet spoke from his experience as a Minister in this Department, and from his own professional experience, when he described the importance of extra care housing. I very much share his view. I listened carefully to the concern expressed by the hon. Gentleman that there might be game-playing among care home owners trying to change the status of their homes—*[Interruption.]* That was indeed mentioned on Second Reading; if I said this on Second Reading, I am certainly happy to put it on the record again.

It is for the Care Quality Commission to register care homes and extra care housing. Only care homes that genuinely change the nature of the care they provide to create extra care housing would be registered as such. As my hon. Friend said, we do not need to write all that into the Bill, because we have a regulator to ensure that the kind of behaviour described by the hon. Gentleman would not happen. The right hon. Member for Charnwood gave the example of granny annexes. People living in such accommodation would also qualify for free personal care because they are not in residential care accommodation.

The Bill does not list all types of accommodation. Its provisions are straightforward. Apart from the one circumstance of adult placements—we will discuss an amendment on that later—we have excluded anybody in a residential care home from qualifying for free personal care. Everybody else is included by default because they are not excluded. That is how the Bill is designed. It is an elegant way—my hon. Friend described it as such—of achieving the policy goal that we want to achieve, which is to provide for and help people with the greatest possible needs who are living in their own homes.

The right hon. Gentleman suggested that we have identified one group but ignored everybody else. The problem with his approach is that it would be a case of saying that we should either do everything or do nothing—that we should not introduce this extremely important measure to help people in the most need in their own homes. Why did we introduce a carers strategy? Why did we introduce a dementia strategy? Why did we introduce a strategy on valuing people with learning difficulties? We did those things because we are building on, improving and raising the quality of care step by step.

The hon. Member for Poole (Mr. Syms) indicated, as he did on Second Reading, that he favours the Green Paper. I am delighted that I have a convert from the Conservative party. Indeed, many of his colleagues praised quite lavishly the Green Paper, which is being considered with a view to transforming the whole system. I am proud to be the Minister of State standing at this Dispatch Box leading on the proposal to create a national care service—how good can it get?—but that does not mean that I am going to stand still while I am waiting for that to happen; I want change now, as well. Step by step, the building blocks towards creating a national care service are being put in place, and this measure is a key part of that.

Amendment 10, as an alternative to the approach that we are taking, would insert a definition of "care home" into the Bill. We regard that as unnecessary. The description that the Bill uses in amending section 15(4)(b) of the Community Care (Delayed Discharges etc.) Act 2003 is

"accommodation that an establishment provides to the person together with the care".

We do not propose to change that. The hon. Member for Eddisbury proposes in his probing amendment that we should use the definition in the Care Standards Act 2000, but that is not right in this context because it includes some exemptions and exceptions and therefore would not accurately reflect the range of settings that we want to exclude from free personal care. We think that our approach is the right way forward.

In response to the hon. Member for North Norfolk (Norman Lamb), yes, direct payments would be a method of providing such free personal care if someone chose to go down that road. This is an important point about the very nature of the transformation of the care system. Increasingly, we want people to have more choice and more control over their care budgets, and direct payments are one way of doing that. Personal budgets, which are a development of that approach, are being rolled out across the country, with more than 100,000 individuals now receiving their care in that way, giving them choice and control. This is free care for the people in the most need. If they choose to have it through a direct payment or as a personal budget, that is absolutely the right thing to do. It will be up to local authorities to develop and implement this approach—that is what our extra £500 million for the transforming social care budget is all about. Some authorities are getting there quicker than others. I hope that the measure will provide an incentive for some of those authorities to start to develop their services in a way that we, and I hope the whole House, would like them to offer in taking forward their care provision.

Norman Lamb: I am grateful to the Minister for clarifying that narrow point. However, should there not be an entitlement for the person to receive the help by way of a direct payment instead of leaving it up to the local authority to decide?

Phil Hope: We will discuss issues to do with local authority discretion under subsequent amendments, so I will deal with that question then.

I think that I have answered all hon. Members' questions. I have explained why the Bill is framed as it is and why amendments 9 and 10 are inappropriate and unnecessary. I therefore ask the hon. Member for Eddisbury to withdraw the amendment.

Mr. Stephen O'Brien: The debate has been extremely helpful and constructive in bringing out precisely what the amendments were intended to probe and elucidate. It has been acknowledged that where the dividing line falls is an issue to consider, and that we need greater clarification. It is possible that as the Bill progresses through its next stages in the other place, their lordships may wish to take up some of our questions to get that clarification, but we have had a good exploration of the matter.

As I said, these are probing amendments. I am glad that the hon. Member for South Thanet (Dr. Ladyman) felt reassured by the way in which I dealt with his concerns about whether there is mutual understanding on extra care communities and the home settings to which they relate. However, at one point he asserted that there was a principle that people do not get free board and lodging, as though that were somehow not to be challenged. That is not true either in a hospital setting or in many other settings. We need to be careful about announcing principles as though they were inviolate, when I am not sure that they stand a true examination.

As was reflected in the comments of my right hon. Friend the Member for Charnwood (Mr. Dorrell) and others, it is important to recognise that despite some of the discussion that has taken place, we must not look at the matter as though it were simply about removing a six-week time limit and not changing any other circumstances. The hon. Gentleman gave the game away when he talked about certain circumstances, because circumstances have changed. The 2003 Act, which the Bill is intended to amend, addressed a different mischief that needed remedying—inappropriate bed blocking in hospital settings. This Bill is not about that; it is about doing something to support people in their own homes. It is not about removing people from one setting but about what they get in another, so the circumstances have changed. If was helpful that the Minister made that clear, but the way in which the matter was discussed at other times was not particularly appropriate. We need to be very careful, because the clause does not provide for some kind of simple removal of an element of a Venn diagram. It is definitional, because it deals with who can qualify. We even heard the Minister try to explain the understandably complicated matter of how on 1 October, if the Bill receives Royal Assent, the system will include both people who currently receive some care support, who may have to pay for it or may get it free, and others with different transitional arrangements. Later amendments will cover that matter.

This discussion has helped set us off towards a greater understanding of the complications of how the Bill is drafted and the concept that lies behind it. More importantly, it has helped to ensure that we get as much clarity on the record as we possibly can. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Stephen O'Brien: I beg to move amendment 11, page 1, line 10, *after* 'apply', *insert*—

'(a)'.

The Chairman: With this it will be convenient to discuss amendment 12, page 1, line 13, *at end insert*—

> '(b) such other arrangements for the provision of personal care as the Secretary of State may, by regulations, specify.'.

Mr. O'Brien: Amendments 11 and 12 are intended to allow secondary legislation to stop the six-week restriction on free personal care. Amendment 12 is the operative amendment, upon which the Committee may wish to express its opinion depending on what the Government say. I flag up the fact that although it is not the lead amendment, it will be the appropriate one on which to divide if there is to be a Division.

It is somewhat disingenuous of the Minister to suggest that the provision in question is the direction of travel of the Green Paper. It is in fact a fully taxpayer-funded option, which was previously rejected by the Government in explicit terms, not least by the Secretary of State and the present Minister, because the working population of this country is shrinking as a proportion of the total population. That has been discussed and is widely recognised both in this place and by many experts and advisers outside. I refer the Minister to the Secretary of State's reply when he was keenly questioned by Members of his own party below the Gangway. He resisted their calls for taxpayer-funded options for social care, saying that it would not be

> "fair across the generations to ask the working age population to pay"

for care. He continued by saying that

> "it would not be honest or straightforward to give the impression that we can fully fund a care system entirely from general taxation."—[*Official Report*, 29 October 2009; Vol. 498, c. 479-81.]

We agree, and that is part of the challenge in the Green Paper that we are all considering. However, this Bill proposes, for the class of people outlined in it, to provide an option for care fully funded by taxation. That is inconsonant, to put it one way, with the direction of the travel in the Green Paper, although some might call it disingenuous.

5 pm

The Minister confessed, in a parliamentary answer:

> "It is very important not to conflate the funding for a national care service with the funding for the Government's Personal Care at Home Bill. The Green Paper"—

unlike this Bill—

> "is about building a sustainable system for the future".—[*Official Report*, 5 January 2010; Vol. 503, c. 277W.]

We all agree with that, but does it mean that the Minister is suggesting that this Bill is not sustainable for the future? Does he in fact agree with the point made by my right hon. Friend the Member for Charnwood (Mr. Dorrell) in the debate on the previous group of amendments that the Bill is a step along a path that may be distinguishable in legal terms, but will certainly be superseded in policy and legislative terms. That is a genuine question, and it is why we have included enabling powers in amendment 12.

The Minister has also said in a parliamentary answer that the measure in the Bill

> "was not considered in the Green Paper"—

that is a confession—

> "because it is a step towards that National Care Service. The Green Paper puts forward fundamental proposals".—[*Official Report*, 9 December 2009; Vol. 502, c. 497W.]

If this is not a fundamental proposal, does that mean that the Government plan it only as an interim measure?

The best way for the Government to make earnest on their pledge that this Bill is a step towards the full reform of social care would be to make this Bill more enabling in terms of additional policy options. One of those could be our asset protection scheme, which would involve the option of paying £8,000 at age 65 by those who have sufficient assets. Those who do not have such assets would continue to be protected, and those who did not take up the option would be in no worse position than they are today. Those who did take up the option would be entitled to residential care for life, should it be necessary. Who is to say that similar schemes could not work alongside the Government's measure in domiciliary care? We are not precious about the scheme, and it would provide an opportunity to widen the Bill and bring in a much more comprehensive approach that would genuinely be consonant with the Green Paper, which was welcomed—and urged on the Government—by both sides of the House.

Mr. Syms: My hon. Friend makes an important point, but one of the problems with providing free personal care is that it tends to undermine the argument for a private insurance option, which may have to be one of a range of options if we are to look after people in old age.

Mr. O'Brien: My hon. Friend makes an important observation. I do not wish to underestimate the importance of this issue. We all accept that we face a serious challenge on this issue, and the question is how we measure up as policy makers and legislators. The issues include access, fairness, quality and appropriateness of care, both in the home and in a residential setting. It also involves major social issues such as the intergenerational responsibilities that we all have as members of the working age population for those who are beyond earning age or who have never had the capacity to earn or look after themselves because of some form of difficulty or care need.

My hon. Friend is entirely right to set the Bill in the context of the Green Paper process. We are challenging the fact that it does not sit well with that process, which the Government have already defined. Whether or not we end up with the social insurance model for all aspects of care need—he mentioned that, but I note he did not necessarily advocate it—is part of the discussion and the consultation. I fully accept that the Government have been conducting a consultation and I look forward to their assessment, which will inform us of the context of today's discussion, including on amendments 11 and 12.

We feel strongly that amendment 12—the operative amendment—gives an opportunity to air the questions that my hon. Friend asks in the context of the Green Paper process, which is vital. As the Government know, that process has been widely welcomed, even if it has come late and been postponed. It follows a series of other Green Papers and consultations, but is none the less a step in the right direction. The concern is that the Bill does not feel as if it is consonant with the process.

Dr. Ladyman: I support the idea behind the hon. Gentleman's statement that what we ultimately need is a comprehensive model for providing social care, and I have made it clear in my remarks on the Bill that more finance from people themselves is going to be necessary if we are to have that. However, will he confirm whether amendment 12 is a probing amendment? My understanding is that the proposal would give the Secretary of State power to introduce such new arrangements by diktat, without ever having to come back to the House for a proper debate or to discuss a new Bill in future. That seems to me to be an awful lot of power over an awful lot of expenditure to put in the hands of a Secretary of State, even one who is as good as our current Secretary of State.

Mr. O'Brien: Aside from the enjoyable little tail to that question, which I am absolutely sure deserves a job, I have not confirmed whether amendment 12 is a probing amendment, because I genuinely wanted to test the opinion of the Committee. I am not suggesting that I will therefore press it to a Division; rather, I am seeking to test whether there is an opinion in the Committee that the way the Bill has been introduced fits well with the overall direction of travel. I dare say that there could have been a touch of irony in a debate on amendment 12—if *Hansard* can record irony—because it might have revealed whether the hon. Gentleman was confident that a Labour Secretary of State would be exercising the powers, or whether he thought there would be a Conservative Secretary of State. However, I would not presume to take such powers on behalf of my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) if the electorate decided that he should be Secretary of State.

The amendment seeks to test whether the Committee thinks it appropriate that we should be discussing the matter in a wider context. The hon. Member for Leeds, North-West (Greg Mulholland), who speaks for the Liberal Democrats, twice mentioned that the extreme tightness of the drafting in the money resolution, which is deliberate on the part of the Government—but that is how it is—has clearly made the selection of the amendments particularly tight and challenging. Amendment 12 has given us the opportunity to at least have a sense of getting that discussion moving. We will decide whether the Committee needs to give it a better airing once we have had our discussion.

Norman Lamb: To pursue the point raised by the hon. Member for South Thanet (Dr. Ladyman), does the hon. Member for Eddisbury (Mr. O'Brien) accept that amendment 12 could allow the Secretary of State, whichever party wins the election, to implement wide-ranging reform, without this House having any opportunity to debate it properly? Does he accept that that would be inappropriate, and that there should be primary legislation in the new Parliament to implement fundamental reform?

Mr. O'Brien: The hon. Gentleman fully accepts, I think, that although the Secretary of State, in his current role, has made it clear that, as part of a legacy, or whatever he wishes to claim for it, he seeks an unstoppable momentum beyond the next election, our concern is that, strangely enough, the Bill is in danger of not creating that momentum. Indeed, it could do the opposite, because it is not consonant with the whole approach to the reform of social care that we hope the Green Paper process, which so many of us have bought into, will achieve.

I fully accept that, ultimately, there is only one way forward, which is for the country, through its elected representatives across the House, to seek a genuinely broad consensus. We will never satisfy either those who think there should be a fully taxpayer-funded option or those who think we should have a complete free-for-all in the private market. The solution lies somewhere between the two. We have had that discussion with Government Members. We know that a number of them would not go along with what has been proposed, so reaching that point will be a tough challenge. That is why amendment 11 is important in clarifying the intent. However, I will wait to see how the Committee feels about the issue before I make a decision on whether to press the amendment to a vote, because I take seriously the idea that we need the best and most solid consensus that we can achieve.

One thing that I should say—I see that the Minister is in discussion at the moment—is that it would be helpful in building that consensus if there were a genuine willingness on the part of the Government to start some discussions and to invite in those of us who wish to build that consensus. However, while we remain only in discussion across the Dispatch Box, which is necessarily a somewhat scrutinising and adversarial approach, we diminish our chance of achieving consensus. However, that is perhaps the nature of the run-up to the election, with the tribalism now being displayed.

Mr. Syms: I would like to bring my hon. Friend back to amendment 12, which is excellent. I thought that its drafting was intended to engender a debate not about what the Government are doing in the Bill, but about what they are doing in guidance and consultation. We do not know whether there will be statutory instruments or whether they will use the positive or negative procedure. A lot of the detail will be discussed in consultation and decided after the Bill has been passed. We will therefore not know the shape of the Bill until we see what comes forward. Is that not one of the arguments against rushing the Bill? Should we not have the consultation and then the Bill, rather than the Bill and then the consultation?

Mr. O'Brien: My hon. Friend makes an outstandingly good point, and that is precisely why we have been so concerned about the rushed nature of the Bill. We know its provenance: we know how its timing came about and how it must have been a hell of a sweat, in a certain room at a certain hotel, in a certain month—September—with a certain Prime Minister. That said, we should pause and ensure that we do not lose the many gains that we have made in this debate over many years, as my right hon. Friend the Member for Charnwood has observed. It is vital that we should see the Bill in that context.

The whole point of amendment 12 is precisely as my hon. Friend the Member for Poole (Mr. Syms) described. It is not just the whole context of the Green Paper that is important; there will, of course, be a vital need for guidelines. Indeed, in his response to the first group of amendments, the Minister talked about the need for guidelines and so forth. However, the timetable for those guidelines seems to be out of sync. It is my great hope—I will no doubt repeat this later in our proceedings this afternoon—that the Government will take seriously the point that there is a certain technical obligation on them, as well as a moral obligation, to ensure that they get the consultation and guidelines processed, reported and acted upon, with conclusions recommended as a result of that broad, wide-reaching and consensual consultation, before the issue is considered in the other place. Without that, there is a grave danger that the Bill will be rushed through both Houses without the benefit of accessing that broader church of opinion, which Government Members have been as keen as I have to ensure is accessed.

Laura Moffatt (Crawley) (Lab): I am listening carefully to the hon. Gentleman, but is he not trying to have it both ways? I would love to move directly to a national care service, as I hope many who have taken an interest in the Bill would too. However, I respect and understand the need for us to think carefully about the financial implications. Is he not giving the impression, particularly with amendment 12, of an open book for what could be achieved? By tabling that amendment, is he not giving the impression that something more could be delivered, when he knows that we are all under serious financial constraints?

Mr. O'Brien: I do not think for a second that anyone in the House seeking to develop or implement policy responsibly or anyone who has any kind of sense of the reality of the world in which we live would suggest that anything should be proposed on behalf of our constituents without full funding behind it. That is why leaving it totally to the discretion of the Secretary of State would be entirely out of order. It is drafted in the way it is because the Secretary of State would not be expected to propose anything without coming along not only with an impact assessment—hopefully a considerably better quality one than we have suffered from with this Bill—but with a funding base to justify it.

5.15 pm

To the extent that the hon. Member for Crawley (Laura Moffatt) is suggesting a carte blanche, I do not believe that any legislation could come along on that basis. It is appropriate to ensure in Committee that we can have the wider contextual debate that we all seek. I know from previous discussions that the hon. Lady has been keen to see such a debate on the Green Paper, but we are concerned about the limitations of the very process that the Bill is imposing on us.

Mr. Tom Clarke: The hon. Gentleman has been extremely generous in giving way. His point in response to my hon. Friend the Member for Crawley (Laura Moffatt) is one of the most critical to bear in mind this afternoon as we Government Members probe amendments tabled by Opposition Members. The question of funding is particularly important, so has the hon. Gentleman consulted the shadow Chancellor and his senior Front-Bench colleagues? If so, will he tell us about the funding implications and who will bear the cost?

Mr. O'Brien: I am grateful to the right hon. Gentleman, partly because what he suggests is relatively flattering. Luckily, however, I am enough of a realist to recognise that, nice as it may feel, it is not the same as being in government when the Opposition's probing or other amendments are probed in turn by Government Members. I can assure the right hon. Gentleman that there have, of course, been extensive internal discussions, as he would expect, within my party—as I dare say there have been within his party—on how to grapple with this particular issue.

Those in charge of funding must be included. Why? Because, as I said before, there is probably no more predictable issue for the political generation coming down the track than this one. We know it is there; we all know it is pretty insuperable, but we have got to find a solution. None are more challenged than this generation of politicians in this House—either this side of the general election or after it when some may be re-elected—in facing up to this particular challenge. The right hon. Gentleman is rightly probing me on why I tabled certain amendments, but I am very conscious that we have had a series of discussions and open inquiries, not least the one led by my right hon. Friend the Member for Charnwood shortly after my right hon. Friend the Member for Witney (Mr. Cameron) became the leader of the Conservative party. They looked into these very issues, so my right hon. Friend the Member for Charnwood has been able to advise us accordingly. That has led, in turn, to many discussions among and across many shadow departmental briefs.

[Mr. Stephen O'Brien]

I hope that that gives the right hon. Gentleman the reassurance that he sought—that this matter is being taken extremely seriously, as the issue betokens. If our generation ducks this one, we will be in grave danger. My plea to the Minister is, as I have said repeatedly from the Front Bench, that there could be a way to gain a better and more consensual approach, given that we are all in this together. At the moment, this has fallen somewhat flat, as the Minister has not formally invited me or Liberal Democrat Front-Bench Members to have a consensual chat about these matters. I would be very happy to participate in that, even if it were completely off the record, not least because there is a precedent—this relates partly to the amendment—for something along these lines in respect of pensions. There has been a greater degree of consensus on how to find a way forward on that subject, which was also a challenge for us and will be for those coming down the track. It is important to place that on the record in the light of the quite proper rejoinder of the right hon. Member for Coatbridge, Chryston and Bellshill (Mr. Clarke), who wanted to probe my amendment; whether or not it is a probing amendment has yet to be decided.

It is important to bear in mind the fact that the Bill amends the Community Care (Delayed Discharges etc.) Act 2003, whose purpose was to deal with what could have been described in legal terms as the mischief of bed blocking. Section 15 removed the limit at which care could be provided free of charge. I assume, although it may not be the case, that even if someone joined the social insurance risk pool mentioned by my hon. Friend the Member for Poole—the Government's Green Paper partnership option, for instance, is still very much under consideration—that would not count as a charge, in which case the Bill could make such a model possible. Given that Tony Blair promised reform 12 years ago, would it not be best for us to produce a consensus to make full reform of social care possible through the Bill? The amendment was intended to give us a genuine opportunity to consider that question.

Several hon. Members *rose*—

The Chairman: Order. Before I call the next speaker, let me point out that although there are clearly serious matters at the heart of this debate, I have allowed some tolerance of the wider conceptual debate. However, I am not sure that we would be best served by the inclusion of a wider conceptual debate on every group of amendments, and I shall be paying attention in that regard.

Dr. Ladyman: I think there is some common ground between the hon. Member for Eddisbury (Mr. O'Brien) and me. I agree that this measure must, at some point in the future, be swept into a more comprehensive and consensual package. I also believe that that comprehensive package must include some sort of asset protection scheme for those who go into residential accommodation, although I do not favour the scheme suggested by the Conservatives.

The hon. Gentleman said that the Bill had been dreamt up by the Prime Minister at short notice and cleared in time for a conference speech. I do not know whether that is true, but I do know that the Conservatives' response in the shape of their proposed asset protection plan was dreamt up in the seven days following the Prime Minister's speech, in time for their own party conference.

Mr. O'Brien: I am happy to put on record that some of us had been working on the scheme for about three years. We were very glad to note that there just happened to be decent timing for its announcement.

Dr. Ladyman: I believe the hon. Gentleman; millions wouldn't.

As I have said, there is some common ground between us. I agree that we need to sweep this measure into a more comprehensive package. However, the hon. Gentleman's proposed way of doing that is completely irresponsible. It is not just that the Secretary of State would be given power to introduce a complete social care system by diktat. If the hon. Gentleman looks at the 2003 Act, he will see that regulations which, by implication, he would allow the Secretary of State to draw up would not even be subject to an affirmative vote in Committee. They would be subject to a negative prayer. So not only would the Secretary of State be able to introduce a system costing tens of billions of pounds every year without debate on the Floor of the House; he might not even have to take part in a debate in Committee if the Opposition did not spot his proposal and pray against it.

I assume that the hon. Gentleman had a gleam in his eye when he said that he did not know whether amendment 12 was a probing amendment, and that he is, in fact, probing. I hope that my hon. Friend the Minister will respond by saying that he agrees with me that this package should ultimately be part of a much more comprehensive reform.

Greg Mulholland: I do not think that anyone could disagree with what has been said by the hon. Member for South Thanet (Dr. Ladyman) and, indeed, the hon. Member for Eddisbury (Mr. O'Brien) about the need for a consensus. All along, much of the concern about the Bill has been that it is a partial solution which will help only a small number of people. We can, however, disagree on whether that would be a good step forward or unhelpful. There are different views on that.

On amendment 12, however, I too listened to the hon. Member for Eddisbury, and I do not think that any of us could have disagreed with the vast majority of the sentiments that he expressed, in his usual eloquent, if rather lengthy, way. Nevertheless, we should consider his speech in the context of the amendment. It reads:

"to such other arrangements for the provision of personal care as the Secretary of State may, by regulations, specify."

I cannot see how that relates to the sentiments in his speech.

The concern of Liberal Democrat Members is that the Bill is a partial solution and not part of the existing consensus. The Bill came in the middle of the consultation on the Green Paper, and I even wonder whether those involved in the consultation and in drafting the Green Paper had any idea that a Bill was coming when it was announced out of the blue by the Prime Minister. The Bill came in through the side door, but the hon. Gentleman's amendment would give the Secretary of State the opportunity to bring in anything via the back door. That would be even more regrettable and take us further away from achieving a cross-party consensus, which is precisely what we need if we are serious about moving the debate forward. If the hon. Gentleman presses amendment 12 to a vote, therefore, we will not support it.

Mr. Dorrell: I congratulate my hon. Friend the Member for Eddisbury (Mr. O'Brien) on being the first Minister of the next Conservative Government to propose a Henry VIII clause, seeking powers to create law by order on a wide range of subjects. He will, of course, be the first of many. Indeed, I suspect that he will propose many other such order-making powers in the months and years ahead. I have no doubt that the hon. Member for South Thanet (Dr. Ladyman), like me, has proposed similar order-making powers in the past. Were he to read in detail some of the statutes that he has recommended to the House, he would see that they contain such powers.

Oppositions normally resist Henry VIII powers, rather than propose them, so I inquire of myself why my hon. Friend should have proposed such a wide-ranging order-making power. I have to say that I can see why he has done it. As the hon. Members for South Thanet and for Leeds, North-West (Greg Mulholland) recognised, my hon. Friend is in some sense responding to the challenge offered by the Minister, who, in response to the previous set of amendments, stressed that the Government consider the personal care at home policy an incremental change in the evolution of policy on social care delivery. That is, I think, the best gloss that can be put on the policy, and I congratulate the Minister on doing it.

As became clear during discussion of earlier amendments and debates on the Bill, however, in reality the policy will, if executed, create in the short term a series of clear anomalies. My hon. Friend is therefore seeking a power on behalf of the Secretary of State to create a safety valve allowing precisely the kind of incremental development of policy that the Minister said was the Government's intention. It is important to be clear why my hon. Friend's proposed safety valve will be so important so quickly, and to understand that we must recognise that we are dealing with a set of services for which demand is growing rapidly.

Ironically, the Government are creating a set of unintended consequences. They are saying that those living at home will receive tax-funded care, whereas those living in residential care will continue to rely on co-payment provision. I simply invite the Committee to consider which of those two funding packages is most likely to be able to respond to the very fast growing demand for these services in the years ahead. Is it the delivery of care at home, which relies on the ability of the Exchequer to pay for it, or the delivery of care in a residential context, which relies on a co-payment formula, requiring the care user to make a contribution?

5.30 pm

Mr. Tom Clarke: I am listening very carefully to the debate, and my mind keeps going back to any number of discussions we have had in the past on community care, such as about the Griffiths report. A consensus developed then, part of which was that many people would be encouraged to live independently in their own homes while being properly supported through proper funding. When, therefore, has the change come in? I ask that because community care has not been mentioned at all this afternoon. Are we going back on that position, or do we accept that many people will reserve the right to live in their homes and should be given support to do so?

Mr. Dorrell: Like the right hon. Gentleman, I have a long memory on these subjects, and I agree with him that the debate on community care was motivated in large measure by a desire to provide—as the Minister rightly said—a proper package of care to encourage and enable people to live at home in the community rather than in residential contexts. That is what I was referring to when I said that the House should recognise that the statutory formula that the Government are now recommending to the House has a very sharp unintended consequence. We all agree that supporting people to live at home is what we want; everyone agrees that that is the better way of delivering care, and the right direction of travel, but it is that care package that is being cash-limited.

Phil Hope: The right hon. Gentleman says that everybody agrees that providing free personal care for people in their own home so that they can live independently is the right direction of travel. Why then does his party's Front-Bench team propose a scheme of home protection that acts as a perverse incentive to encourage people to go into residential care?

Mr. Dorrell: With respect to the Minister, I did not say that we are in favour of a direction of travel that provides free personal care to people living at home; it is important that I make that clear. What I said was that we favour a direction of travel that encourages people, on a realistic funding basis, to live at home. That point has been made by the Minister and several others in the course of this debate. We want a funding basis for social care that encourages people to live at home.

The Government, however, are saying, "If you live at home, the taxpayer will pay." That is great, except that it means that the formula for the delivery of social care that we all favour is the one that is cash-limited. Ministers may not agree with this, but the hon. Member for South Thanet has said again today—and I whole-heartedly agree with him—that the formula for the successful delivery of social care that meets the underlying demand at a quality level that we would want to deliver has to involve a form of co-payment. That element of flexibility has to be in the scheme if in the years immediately ahead we are to be able to deliver the quality of social care that we want at affordable cost.

Dr. Ladyman: I reaffirm again that I agree that a form of co-payment has to be made. I regret that we have had to come down this road so quickly, because it has not been possible to get consensus on the form of co-payment. If the Conservative party had at any point during the Green Paper discussions suggested that it would consider some form of compulsory co-payment as well as the voluntary co-payment schemes in the Green Paper, there might have been a basis for discussion, but the Conservative party said it would only consider supporting voluntary schemes. On that basis, there can be very little likelihood of arriving at a consensus.

Mr. Dorrell: As I have said, I have great respect for the hon. Gentleman in this area, but I do not understand the logic of what he just said. He says that he believes, as I do, that the successful delivery of social care requires co-payment, and he then says that agreement could not be reached with the Conservative party. I do not know what discussions took place between the Front-Bench teams, but I know that irrespective of

[Mr. Dorrell]

whether those discussions were successful, he is using that as an excuse to justify a formula for the delivery of social care at home that does not rely on co-payment at all. It contains no element of co-payment; it is fully taxpayer-funded, and that is what makes this model unsustainable.

I make the point again, because it is important, that this approach creates a completely perverse incentive. The hon. Gentleman and I agree that providing the necessary flexibility for a realistic funding package for social care must involve co-payment. In the Government's view of the world—if this Bill is passed—where does co-payment apply in the social care context? The answer is only in a residential care context. In other words, the Government are setting up a formula that will restrain the ability of people to live at home, because the taxpayer will not be able to afford it, and that will, at the margin, shift people into residential care, because that is the basis on which the funding formula will work.

Norman Lamb: Does the right hon. Gentleman agree that this approach provides not only a perverse incentive, as he describes, but a central unfairness, in that someone who has critical needs and who is at home gets their care paid for fully but someone who, through no fault of their own, has to be cared for in a care home does not? That is unfair.

Mr. Dorrell: I agree completely with the hon. Gentleman, and I sought to focus on that point in our debate on the earlier group of amendments. By creating this distinction between personal care delivered at home and personal care delivered in the residential context, we will create a cliff edge. As one group will be cash-limited, because the Treasury is extremely cash-constrained and likely to become more so, and the other group will be less cash-limited, we will create a completely perverse incentive in the direction of the residential context, not the care-at-home context.

Mr. Scott: The Select Committee on Health, on which I am honoured to serve, is examining this area and taking evidence. The crux of the matter is that its suggestions might be of use to this debate, might provide a way forward for the entire Bill and might answer some of the questions that my right hon. Friend has rightly raised. Does he agree that its suggestions could provide some of the answers to these problems that we are debating?

Mr. Dorrell: I agree entirely with my hon. Friend that all the work of the Health Committee and, indeed, of those who are formulating responses to the Government's Green Paper on social care policy development—presumably, that was one of the things that prompted that Committee to engage in its inquiry—is being pre-empted by this proposal. This measure is extremely good news and I understand why the Minister thinks it is popular among those who will benefit from the care that will be provided free. He said in his response to the earlier debate that we cannot wait until we can create a perfect world before moving forward, and I agree with that. However, when a Government move forward on an incremental basis, the Minister has an obligation to recognise the consequences of the incremental stages, step by step. That is the basis of the charge that I set at the Government's door; it is not that this proposal is undesirable for the people who will benefit from it—of course it is desirable for them—but it will create a series of perverse consequences and perverse incentives, several of which have been mentioned in this debate. I suspect that the Minister and his officials have probably thought those through and thought, "Oh goodness, how do we put a gloss on this?" However, nobody in No. 10 has properly thought them through.

Dr. Ladyman: I wish to clarify again for the right hon. Gentleman the point I was trying to make. Because the Conservative party has drawn a series of red lines that it is not prepared to discuss, according to all its public statements, it was clear to the Government that a consensus could not be arrived at in anything like the near term. A group of people with very serious needs—people with Parkinson's disease and Alzheimer's being the primary ones—are struggling at the moment, so as it was clear that we were not going to get agreement on the comprehensive package and the methods of co-payment to fund it, on which he and I agree, this Bill was necessary in the short term to address their short-term needs,.

Mr. Dorrell: I invite the hon. Gentleman simply to consider the point that I have just made: what will be the consequences of each incremental step that he is inviting us to take? If he agrees with me that the consequence of this policy formulation is to create an incentive in favour of residential care rather than care at home, for the reasons that I have set out, and if he agrees that in the long run we must provide a funding base for social care that includes co-payment, all I will say to him is that if, perchance, there were a Labour Government after the election—I profoundly hope that there is not—and if he were a Minister in it, I would look forward to hearing him make a speech from the Dispatch Box that explained to the House why it was a good idea to have free personal care ahead of the election whereas after the election that would evolve into a system of payment through co-funding for personal care delivered at home. That is the policy that I believe that he supported until the Prime Minister made his statement at the Labour party conference, and I believe that any incoming Labour Government would have to revert to it after the election—perhaps even before October 2010.

Mr. Stephen O'Brien: I am most grateful to my right hon. Friend for giving way before he moves on from his quite proper riposte to and, to some extent, rebuttal of the statement made by the hon. Member for South Thanet (Dr. Ladyman). In his earlier intervention, the hon. Gentleman justified the necessity of introducing the Bill, notwithstanding his adherence—quite rightly—along with the rest of us to the process of the Green Paper, suggesting that it was somehow impossible to obtain consensus and that it was all the Conservatives' fault. He prayed in aid the idea that there was no consensus because we Conservatives were not prepared to sign up to compulsory contributions. That has been a concern for us, and we have certainly found a way forward with voluntary contributions. However, the Government have not said that they are in favour of compulsory contributions either. On the contrary, they have said that there is a Green Paper process and that they have not come to any kind of conclusion. It is impossible for the hon. Gentleman to assert that any consensual discussions have collapsed when there have not been any such discussions. Moreover, the reason that he prayed in aid was not even proposed by his Government.

Mr. Dorrell: I agree with my hon. Friend and repeat the point that I made in my earlier response. It is odd to say, "The Conservatives would not agree with us on a voluntary co-payment basis, so we are going to go to a fully tax-funded model." I simply do not understand—

Dr. Ladyman *rose—*

Mr. Dorrell: I shall give way to the hon. Gentleman one more time, but I think that I have given him enough lives on this subject.

Dr. Ladyman: I have been very grateful. I want to put a point to the right hon. Gentleman on which I think we can both agree. Yesterday, the Liberal Democrats were 100 per cent. in favour of free personal care for everybody and today they appear to be totally opposed to free personal care for anybody.

Mr. Dorrell: It is worth inviting the House to work out how long it is since Northern Rock or the Lehman Brothers collapse, and how long it has taken the penny to drop in the Liberal Democrat mind that the world has changed. Anyway, it is nice to see that the Liberal Democrats are back in sight, probably, of the land of reality. They are not there yet, but they are working their passage back. We look forward to welcoming them there again at some point in the future.

I have talked about the need to put a safety valve into the system, which is why I believe that my hon. Friend the Member for Eddisbury took the unusual step for an Opposition spokesman of proposing a Henry VIII clause. We have already touched on one other element to which I want to return, because it is important. It relates to the earlier amendment tabled by my hon. Friend. In response to the definitions of which residential units would qualify for free personal care and which would not, the Government were at pains to say that extra care housing constituted "home" but that a care home without nursing did not constitute "home". One does not have to be a great expert in this area to work out that if there is one category of "extra care housing" and another of "care home without nursing", they will fall on different sides of the dividing line. The Secretary of State will need a regulation-making power, and what is more he will need to use it on a weekly basis, roughly, to keep the definitions of those two categories separate in a way that would maintain the viability of the policy.

5.45 pm

My hon. Friend the Member for Eddisbury has tabled the amendment in recognition of the fact that the Government are creating a policy context that will be fraught with anomalies and difficulty. The only way that it could possibly work would be if Ministers had the power to change the law virtually on a weekly basis—I use the phrase again—to prevent pressure from building in a way that would make the system unsustainable. That is particularly true given the Government estimate that the policy will cost £537 million. My hon. Friend the Member for Ilford, North (Mr. Scott) has already made the point that half of that cost would be unloaded on local authorities with no additional money being provided to them. I have talked to local authority leaders of my acquaintance about this issue. To believe that they will have sitting around in the next few years the kind of money that will be needed to meet the additional burden that the Government have imposed on them, and that they will not need additional resources, is simply to live in Liberal Democrat land.

Mr. Syms: I have no great disagreement with amendment 11. I have thought about it, asked a few friends about it and I am perfectly happy with it.

I think that amendment 12, which is a Henry VIII clause, is well drafted. I am not sure whether we fully understand the implications of the Bill. We have heard from the Minister that there will be a sort of big bang approach and that by this October all care will be free. We have also heard about the financial arrangements for local authorities, and I am not sure how robust they will be. I suspect that there might well be arguments, case law and disagreements on this issue, so it would be quite useful to have the ability to amend the legislation—even by regulation, whether by negative or positive procedures—as we do not know how this story will unfold.

My right hon. Friend the Member for Charnwood (Mr. Dorrell) has set out some of the difficulties regarding definition, and, at some point, the House might need to introduce regulations to make the system more workable. If we create a cliff edge by saying that care is paid for for those who stay at home but not for those who go into a care home, which means that some in the latter category might have to sell their home, we will be creating a pretty big incentive for families to try to keep people out of care homes. Given that the nature of the debate will change, we need a Henry VIII clause, and amendment 12 provides that perfectly well.

In terms of public policy, I would be more confident about the way that things will unfold if I had more confidence in the financial arrangements. I referred earlier to the potential £250 million to be found from savings. When we get to October, real money coming into local authorities will suddenly disappear; they will still have to fund the cost of care, but they might not have the resources to do so.

We have not discussed whether there might be a case for transitional arrangements, or whether there will be enough people to provide services to people in their own homes. Amendment 12 is therefore important, because it would enable the Secretary of State to return to the House with legislation covering new circumstances arising from the changes to home care introduced by this Bill that we cannot predict or fully understand at present.

As was mentioned earlier, the Health Committee is to produce a report in due course that may inform the public debate. If amendment 12 is adopted, that report may result in further changes.

The Government are consulting and may have to provide guidance. Will that guidance be presented through a statutory instrument, or will it have no statutory basis? We need to hear how the Minister intends to proceed. It would be useful if, when he sums up the

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debate, he takes the opportunity to set out what consultations and guidance the Government are undertaking. When does he expect the results to be reported? We need to be fully aware of the shape of things to come.

Amendment 12 is useful, although I agree that Oppositions do not usually propose Henry VIII clauses. However, events may unfold in ways that we do not expect and, as I pray and hope, we may well form the Government after the next election.

Mr. Stephen O'Brien: In the light of the contributions made by my hon. Friend and others, and in advance of the Minister's remarks in reply, it might be helpful for me to confirm that this is, in fact, a probing amendment and not one that will be forced to a Division. I believe that the amendment has led to an extremely helpful discussion, and I hope that what I have just said has changed the tenor of the debate on this particular group of amendments.

Mr. Syms: That is useful information, although I may call the vote myself.

I think that amendment 12 is useful, not least because it gives the Minister the opportunity to set out what the Government are going to do in a little more detail, and because it looks forward from where we are today to the big bang approach in October. It is very important that more information is put into the public domain. The scheme's shape and funding must be made clear to local authorities. Its success or failure will not rest on whether Whitehall pulls a lever, but on lots of hard-working people in local authorities around the country being able to support and implement it in the way that the Government intend.

Phil Hope: We have had an interesting debate on this amendment. My hon. Friend the Member for South Thanet (Dr. Ladyman) described it as an "open ended carte blanche free hand to redesign the whole of the personal care system by diktat"—what a temptation that possibility offers! It is very strong, but unfortunately I am unable to support this probing amendment.

A number of important points were made in the debate. In moving the amendment, the hon. Member for Eddisbury (Mr. O'Brien) once again challenged the extent to which the Bill and its proposals for free personal care for people at home with the greatest care needs were congruent with the Government's thinking on developing a national care service. I am absolutely convinced that it is a step along that path, as I said in the debate on the previous series of amendment. I set out then everything that we had done over the past 12 or 18 months to develop and improve this country's social care system, and I think that this proposal is simply another feature of that.

The amendment would allow a future Conservative Government to introduce changes to the care system, but the remarks made by the hon. Member for Eddisbury let the cat out of the bag. From what the right hon. Member for Charnwood (Mr. Dorrell) said, it is clear that the Conservatives see what the Government are trying to do as a perverse incentive and an anomaly. I cannot think why the right hon. Gentleman would want to put out a leaflet with his name on it in my constituency, saying that providing free personal care was an anomaly, and perverse.

I shall have to check *Hansard* to make sure that I wrote this down correctly, but the hon. Member for Eddisbury said, "We do not want to encourage a policy of free personal care for people in their own home. This is not the direction of travel of Conservative policy." It is interesting that the amendment has flushed out what I think is the true intent behind the Conservative position on these matters.

Mr. Dorrell: The Green Paper stated that free personal care was an unaffordable option. Is that still the Government's position?

Phil Hope: We are, of course, seeking to develop our proposals for the creation of a national care service. We are building on the best practice that I know goes on up and down the country. That includes things such as greater integration of the health and social care systems or, as we discussed earlier, making sure that people get direct payments, because we believe that personal budgets give people more choice in and control over their care.

In developing our thinking for the future White Paper, we are looking at all the options, just as we did with the Green Paper consultation. We will also look at ways to take those options forward.

It is true that there are problems with funding the whole of the care system in full through the tax paid by people of a younger age. I have made that point before in this House: the hon. Member for Eddisbury has repeated my remarks, and I am happy to repeat them again in this debate.

There has been a demographic change in our population. Where there used to be four people of working age to one elderly person, over the next few years that will become only two. It will simply not be sustainable to maintain a system of care provision by taxing those people, but we will bring forward our solution to that problem when we set out our proposals for a national care service.

In the meantime, I am not prepared to stand by and see people in their own homes with the highest level of care needs—and people at the critical level need help with four activities of daily living—having to run down their savings and drawing on the help of loved ones to pay for the support that they need.

That is why the Bill is important, and I am disappointed that the Opposition do not seem to support what it proposes. I am also disappointed that the Liberal Democrats have decided to drop their pledge to provide free personal care for older people.

Mr. Dorrell: I am very grateful to the Minister for giving way. I asked him a very simple question, and I listened to his reply extremely carefully. It was a long reply, but I think that it can be accurately summarised. It is that the Government still believe that free personal care for everyone is unaffordable.

Phil Hope: We will have to have that debate when we bring forward our proposals for a national care service. The questions will be to do with how we take those proposals forward, and what is a fair, affordable and simple system for providing better care for people, both in their own homes and in residential institutions as well. That is a debate that we will initiate in the near future, and I am looking forward to having it.

The right hon. Member for Charnwood said that our proposals were anomalous and acted as a perverse incentive, but when I challenged him he was unable to defend the home protection scheme that the hon. Member for Eddisbury proposed. That proposal is a private insurance scheme which, to protect a person's home—hence its name—covers only residential care. The costs are paid up front, although people need to have £8,000 to be able to afford it. It is optional—in other words, not everyone will take part in it—and partial. I have no doubt that it will exclude people with any underlying health condition, as they would not be able to get such insurance for the price £8,000.

The hon. Member for Eddisbury is going to struggle to sell his home protection scheme, because it would merely provide a small amount of support for a minority group of wealthy people. If he thinks that that will win him the next general election, he has another think coming.

Mr. Stephen O'Brien: I wish that the Minister would not assume anything about other people's policies without having studied them. The proposal does not make any exclusions for underlying conditions. All that has been subject to proper actuarial pricing.

Phil Hope: That is even more intriguing. We are seeing the policy crumble as the hon. Gentleman speaks.

There has been talk of consensus, although the hon. Member for Eddisbury has spoken about how he has not been involved in any such discussion. However, it is a little tricky to try and build consensus when the Opposition decide to run an underhand and irresponsible campaign on their website suggesting that the Government are intending to cut attendance allowance and disability living allowance for older people. That is simply not true, yet the Opposition continue to run their campaign. It is a form of politics that generates anxiety, uncertainty and fear among older people, and does not fit with the party's claim to be compassionate and progressive. If they carry on with such scaremongering, the Opposition will build no consensus with Labour.

If amendment 12 is a probing amendment, I do not understand the impact that it might have on particular groups. I have made it clear that the intention underlying the Bill is that people with the highest care needs should be supported to live at home. I want to make it clear that we think it is important that adults who are part of an adult placement scheme do not miss out on this opportunity, so it is important to make it explicit, even if we do not do so with a broad set of regulations that the hon. Member for Poole (Mr. Syms) would welcome, that for the purpose of the Bill, adults on an adult placement scheme, who are often adults with learning disabilities who live with another family, are to be considered as living at home.

In our opinion that is the only situation that is required to be excepted from the six-week restriction on the free provision of personal care in accommodation where care is provided as an integral part of that accommodation. In other situations, it should be clear that people are living either in accommodation where care is provided as an integral part of that accommodation and are not eligible, or are living at home and may qualify for free personal care. So to give the Secretary of State further regulation-making powers, as described in amendments 11 and 12, although attractive, is unnecessary. I therefore ask the hon. Member for Eddisbury to withdraw his amendment.

6 pm

Mr. Stephen O'Brien: The debate has been useful and necessary to help elucidate what we are all trying to achieve—a much more holistic approach to the reform of social care. I confirm that, as I made clear in an intervention, the amendment was a probing amendment. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Stephen O'Brien: I beg to move amendment 13, page 1, line 17, leave out

'(including the exercise of a discretion)'.

The First Deputy Chairman of Ways and Means (Sylvia Heal): With this we may take the following: amendment 16, page 1, line 20, at end insert—

'(c) exempt a local authority from providing personal care free of charge to a person eligible for or in receipt of continuing care.'.

Amendment 41, page 2, line 9, at end insert—

'(5A) After subsection (4E) insert—

"(4F) The Secretary of State may by regulations authorise a local authority to make transitional arrangements for a person moving from or to accommodation that an establishment provides to the person together with the care."'.

New clause 5—*Portability of care packages*—

'The Secretary of State shall make regulations to introduce a standardised assessment process to ensure portability of care packages between authorities.'.

Mr. O'Brien: I confirm that amendments 13 and 16 are probing amendments, the former about what the discretion in the Bill might entail, and the latter about how the policy will work in respect of continuing care funding. It is vital to obtain clarification from the Government on both issues. I hope the Minister will be able to tell me and the rest of the Committee what discretion is referred to in proposed new subsection (4B)(a).

On amendment 16, in the last quarter almost 45,000 people across England were in receipt of continuing care—a number that is likely only to increase. It represents about 10 per cent. of the total number of NHS beds in the country. What proportion of those would qualify as FACS critical? FACS is shorthand for the fair access to care services guidelines published in 2003 to provide councils with a framework for setting their eligibility criteria for adult social care, and thus to lead to fairer and more consistent eligibility decisions across the country.

The guidelines are being revised in the light of the Commission for Social Care Inspection report entitled "Cutting the Cake Fairly" and give the criteria for low, moderate, substantial and critical categories. The Bill deals only with those with critical assessed need. I assume that many of those in receipt of continuing care would qualify as FACS critical. If that assumption is right, will not the policy of free personal care seem to primary care trusts the perfect opportunity to offload people back on to local authorities? That is important,

[Mr. Stephen O'Brien]

particularly as we face such tightened fiscal and financial conditions in the coming months and years. Whether the Minister or any of us likes it or not, there will be temptations for anybody in charge of a budget to see where they can offload their responsibilities.

Will the Minister also clarify whether the Coughlan judgment in the Court of Appeal in July 1999 makes the NHS specifically, or the state in general, liable for the funding of care, so long as it is free? The continuing care funding question points to a wider question of how the policy will work across the health and social care divide. Could the free personal care fund be rolled up into a joint budget?

Given that we are talking about the crossover between NHS and social care, will the Minister give some clarity to the noise that we have been hearing in the *Health Service Journal* about the Secretary of State's plans to hand social care over to the NHS in toto, in order—in the words of an "unnamed source"—to

"rip the heart out of Tory councils"?

He seems to have retracted from that position, I am glad to say, but is now saying:

"I'd feel very comfortable with primary care trusts increasingly merging functions with adult services."

The Minister hinted at something along those lines in response to the previous group of amendments. That is nothing new. Its progress has been hindered so far only by the Government's constant reorganisation, as we have argued, of the institutions within our NHS. I am glad to see that the Secretary of State said last Thursday in his evidence to the Health Committee:

"I am an integrationist on health and social care."

I look forward to the Minister's progress reports on that.

Amendment 41 addresses transitional arrangements. I promised the hon. Member for South Thanet (Dr. Ladyman) that we would return to that. Has the Minister thought about how transition might work, particularly as people will be moving from free care to care for which they are charged? Transition also raises the question of what happens if someone ceases to have critical care need. The Minister has confirmed in written answers to my parliamentary questions:

"Councils are under a duty to regularly assess"—

let us leave aside the split infinitive—

"an individual's needs",

and that if no longer critical,

"they would no longer be eligible for free personal care."—[*Official Report*, 8 December 2009; Vol. 502, c. 295W.]

We are not talking about individuals who might get a bit better. We are talking primarily, I suspect, about the councils that might get a bit tighter. That is the worry. Has the Minister thought through both the pressure on individuals and the administrative problems for councils that will arise? I hope that in his response he will take the opportunity to spell out the details on the record.

New clause 5 was tabled by the Liberal Democrats. We look forward to hearing about the portability of their policy positions, given yesterday's announcement. In the light of their wish to reject their pledge of free personal care, how do they regard the funding of portability against standardised assessment needs? That is the issue presented in the new clause that will have to be addressed, not least because the right hon. Member for Sheffield, Hallam (Mr. Clegg), as I understand it from yesterday's announcement, either downgraded or scrapped the £2 billion unfunded care guarantee that the Liberal Democrats announced when he became the leader of his party.

Leaving aside the various policy position changes, the serious point about new clause 5 is the postcode lottery that continues to exist across the country. Up till now, the Government were happy to say that that was the price of localism. There is a discomfiture that we are all caused by the tension between wanting to give local decision-making autonomy and ensuring that that does not result in unfairness, in the form of postcode lottery provision.

Last week the Secretary of State said that there were "limits to localism". Is he planning to abolish councils, or their powers in the process, as part of his way forward? It can be very disconcerting for people when the funding that they receive from one local authority is not matched by funding from a new authority that they move to. Can the Minister assure the Committee that anyone assessed as critical by one authority will be assessed as critical by all other authorities? As I pose the question, I think that the difficulty is apparent.

I am sure that the Minister has studied our proposals for common standards of assessment of need, which would be very helpful. If he wished to adopt that policy, we would be more than happy to let him do so. The case for new clause 5 will be presented by the Liberal Democrats. I urge the Committee to support all the other amendments.

Dr. Ladyman: I am rather sad to hear the hon. Member for Eddisbury (Mr. O'Brien) saying that this is a probing amendment, because I am quite attracted to the idea of removing discretion from local authorities in this matter. I also have a certain sympathy with the Liberal Democrats' new clause. If we are going to create a national care service, we shall have to create a common way of assessing people's needs and a common set of criteria against which to assess them, as was made clear in the Green Paper.

One aspect of this that none of the Front Benchers has tackled—the elephant in the room, perhaps—is that we will get genuine portability only if there is agreement on a standard level of funding. In other words, someone's condition would need to be assessed in the same way wherever they were, and they would then need to be funded at the same level wherever they were. That would take an awful lot of discretion away from local authorities.

This is going to be a difficult matter to tackle, but it must be tackled when we come to the White Paper. Although I do not believe that it is appropriate to address these matters in the Bill, I would like to hear my hon. Friend the Minister say that he understands that we are going to have to work to resolve them. I would like to suggest to him that, as well as having standard assessment criteria for people wherever they live, we might take the step, which I suggested on Second Reading, of making it compulsory for social care to be delivered from an adult care trust, in which the local authority and the local NHS are made to pool their resources and work together to deliver that level of care. That would go a long way towards resolving the tension between localism and the need to have a standard package of care everywhere. It would also help to bring NHS resources into focus in regard to delivering this care.

Laura Moffatt: Does my hon. Friend envisage such a trust working in the way in which some of the very good, effective children's trusts are beginning to do? In them, people from different organisations and parts of the caring professions are really working together for the sake of the child. Does he believe that that would work in an adult trust?

Dr. Ladyman: Yes, absolutely. There are already good examples around the country of older people's trusts being set up. Torbay is a good example.

I had a conversation today with the Royal College of Nursing, which is concerned about how our community nurses will be involved in these provisions. I know that that subject is close to the heart of my hon. Friend, as she is a former nurse. If such adult care trusts were set up, community nurses would have a role in monitoring the care provided for people, either in their own homes or elsewhere. Those nurses would become more involved in the delivery of care, as well as in providing access to the resources of the national health service. They would be providing their skills alongside those of social workers from the local authority.

Mr. Dorrell: I agree with quite a lot of what the hon. Gentleman says about the benefits that can come from integrated trusts. Such trusts can ensure that an integrated service is delivered to an individual service user. Does he agree, however, that we should guard against believing that that is the only model that works? There are others that work equally well elsewhere in the country. Does he also acknowledge the danger of believing that, if something works well somewhere, all the problems will be solved if a Minister simply signs a piece of paper and insists that it should be done like that everywhere? Surely to goodness, the history of the past 30 years must demonstrate that that approach does not work.

6.15 pm

Dr. Ladyman: The right hon. Gentleman is right: we should have an open mind on what the right model is going to be as we move forward in these discussions. Whatever model or models we choose will have certain characteristics in common, however. One will have to be that the local NHS and the local social care services work closely together and that they have access to and flexibility over each other's funds. We must not minimise the difficulty of achieving that, however. I have said many times on the Floor of the House and in other forums that the only significant area of local government funding that is not ring-fenced for spending in a particular way is the money that the Government give to local authorities for adult social care. If we were to ring-fence that funding, we would take away a great deal of the localism, as we like to call it. We are going to have to address that issue as well, if we want to tackle this problem.

That is beyond the scope of the Bill, and of the amendment, however, and I believe that you would leap up and bring me to a halt if I went down that road, Mrs. Heal. I shall simply say that I am tempted by some elements of the amendments in this group. They deal with matters that we are going to have to face up to in the near future. I do not think that they are appropriate for this Bill, but if we reject them today, we must not reject them for ever.

Greg Mulholland: I wish to speak briefly to new clause 5, which proposes:

> "The Secretary of State shall make regulations to introduce a standardised assessment process to ensure portability of care packages between authorities."

That really is as simple as it sounds, but it is fundamentally important. I am seeking the Minister's reassurance that the proposal will be taken seriously, and perhaps looked at in the Lords. If that can happen, I will not press it to a vote. If not, I would be minded to do so.

The purpose of the policy behind the Bill is very simple. I have said that it offers only a partial solution, but it does guarantee free personal care for those with critical needs who live in their own home. In that case, surely someone who has been deemed to qualify under the terms of the policy should not be penalised if they move. People move to be closer to members of their family, for example. This applies often, but not exclusively, to older people, who move in order to get care from family members or to gain emotional support and greater contact.

I am sure that hon. Members have heard of many cases of people moving to a different area and having to jump through hoop after hoop, simply to receive the same level of care that they had been receiving before. It is bureaucratic nonsense, as well as a real injustice, when people with real needs are prevented from accessing the kind of care that they had been used to, simply because they have changed their postcode. It would be quite wrong for people to face that threat, as they might if the new clause were not introduced. Again, I ask the Minister to reassure me that that will not be the case. People could become marooned in a local authority area, afraid to move closer to their family or some other support network because they would have to go through yet another assessment process.

There are also costs associated with such reassessments. One can understand why a local authority might want to assess every new person moving into its area, but it does not make sense to do so if the assessment processes are as robust as they should be. A local authority should be able to accept the assessment or reablement process that has already shown that a person qualifies for free personal care at home. I firmly believe that we are talking about a very important element of the Bill, and I am concerned that this measure may be a flaw in making it work and a restriction on its potential positive impacts. I urge the Minister at least to reassure me and the Committee that that will be taken very seriously when the Bill goes to the Lords.

I am disappointed that the Conservatives, rather bafflingly, have chosen not to support the new clause, because it would not involve costs but in fact reduce costs at local authority level. If a local authority insisted on going through an unnecessary assessment process merely because it wanted to keep its own costs down, that would not make sense. The hon. Member for Eddisbury (Mr. O'Brien) chose instead to make rather spurious party political points, which had the whiff of hypocrisy about them given the criticism that the Minister and the Government have received to the effect that this is simply about electioneering. Let us at least be a little sensible when we are talking about such serious matters.

[Greg Mulholland]

I do not wish to push the new clause to a vote. However, can the Minister reassure me that it very much reflects part of the Government's thinking and that the measures in the Bill will not be undermined but will work in the way that he has told us they will?

Mr. Tom Clarke: This has been an interesting debate. I want, if I may, to focus on the aspects that have dealt with the role of local authorities, with particular reference to amendments 13 and 16.

If the hon. Member for Eddisbury (Mr. O'Brien) had the same objectives as my hon. Friend the Member for South Thanet (Dr. Ladyman), I might even be convinced myself by the argument on continuing care, but I have to say, in all candour, that I am not. What we have established here today, perhaps not for the first time, is the existence of a big difference between the Conservatives and Labour in terms of how Governments work with local authorities. I cannot envisage a situation in which, in the absence of joint planning between local authorities and the NHS, we can deliver the kind of personal care that we have all agreed on.

In relation to amendments 13 and 16, I am afraid that I must be even more ungenerous to the hon. Member for Eddisbury. Amendment 13 seeks to limit the discretion of local authorities in setting the eligibility criteria for free care. The Conservatives frequently condemn direction from Whitehall and extol the virtues of localism and local control, yet they then table amendments that would remove local freedom. I am not at all persuaded by that approach. I think that this is an essential argument about what sort of democracy we want to live in. Given that day after day, week after week, we meet councillors, directors of social services and others who have to implement our decisions, we should be a bit clearer than these amendments suggest about the very important role that local authorities play.

Amendment 16 seeks to exempt local authorities from providing free personal care for those in a state of continuing care. If we spell that out, it means, in effect, extended care for a person over 18 to meet physical and mental health needs that have arisen as a result of disability, accident or illness. The amendment is difficult to understand if we take the view that we are to have a relationship between central Government and those responsible for delivery. I have never accepted that local authorities should see themselves as enablers rather than providers, which the hon. Member for Eddisbury hinted at. There will always be a case for both things on the part of central Government and on the part of local government, and that should be recognised.

The amendment would exempt a section of the most vulnerable people from receiving free personal care at home because they are in receipt of continuing NHS care. I ask this question: why? I have not heard a convincing argument for it. If highly vulnerable people were to be treated in this way, significant costs to pay for care at home would arise. They should be entitled to the same support as everyone else in that group. The fact that they are receiving additional care from other sources such as the NHS should not take away the relevance of addressing their problem, having proper assessments, having a greater degree of advocacy than we have managed to discuss today, and delivering to those who need the personal care that I believe is so essential.

Mr. Paul Murphy (Torfaen) (Lab): I want briefly to follow my right hon. Friend the Member for Coatbridge, Chryston and Bellshill (Mr. Clarke) by speaking to new clause 5, for which I have some sympathy, in relation to the portability of care packages.

I should like to talk about the extent of the Bill in so far as local authorities are concerned. Presumably, we are referring to English local authorities, not to Welsh ones, although the Bill extends to England and to Wales. I am slightly troubled about the view that the national care service that we are rightly discussing will be universal throughout the United Kingdom. I would not dream of talking about Scotland; however, in terms of the Bill's application to Wales, I am not yet convinced that there has been sufficient dialogue between Welsh local authorities and the Welsh Assembly Government about how this might operate. I believe that the Welsh Assembly Government would be very agreeable to the principles of this excellent Bill, and indeed some of its details. I hope that my hon. Friend the Minister can give me an assurance that proper discussions are taking place between Welsh local authorities, the Minister for Health and Social Services in the Welsh Assembly and, indeed, the Welsh Local Government Association about the parts of the Bill that impinge on the duties and activities of English local authorities.

In relation to the portability of care packages between English local authorities, there is a tremendous amount of movement across the English-Welsh border. Many people would find themselves in the same position as if they were to move from Derbyshire to Lancashire, as opposed to going back and forth into Wales from Gloucestershire or Merseyside. There are genuine cross-border issues, but also a worry that while benefits are UK-wide, the detail of local authority involvement in this package is for England only.

Mr. Stephen O'Brien: I am most grateful to the right hon. Gentleman for allowing me to intervene. He is making a very important point that is, to some degree, covered in amendment 28; if we are fortunate enough to reach it, he might want to take the opportunity to explore this a bit further. I endorse some of what he says, speaking as the representative of a constituency with a Welsh border, where there are many incidents involving people travelling across the River Dee to access some form of health service, continuing care, social care or acute services. That is causing a pretty big nightmare for all those of us concerned.

Mr. Murphy: Yes, indeed. Over the past few years, in my ministerial capacity, I have been able to try to resolve some of those issues, although it is not easy.

I ask my hon. Friend the Minister for an assurance that there is proper dialogue and discussion between the Welsh Assembly Government and Welsh local authorities with regard to these issues.

Phil Hope: Members have raised a range of issues, and I shall try to deal with them all. Amendment 13 would limit the functions that may be imposed on a local authority through regulations by removing reference to their

"including the exercise of a discretion".

That could severely reduce local authorities' ability to manage the costs of care. They are best placed to judge what is appropriate in their own situation, depending on their clients and the availability of their services. It is right that functions imposed on local authorities relating to eligibility for free provision should include the exercise of discretion, so that they can effectively manage the provision of free personal care in their local area.

6.30 pm

The Bill will enable the Secretary of State to make regulations in specific circumstances, constrained by their having to relate to the provision of free personal care in certain settings. I draw Members' attention to the current consultation document on various regulations and guidance. I shall come to that in relation to new clause 5 in a moment. We need to include in the Bill the power to ensure that local authorities can properly be given a discretion, which will be specified in regulations. I urge the Committee not to support amendment 13, because we need to enable the Secretary of State to issue appropriate regulations.

Amendment 16 would enable regulations to exempt local authorities from providing free personal care to those eligible for or in receipt of continuing care. Continuing care means care provided over an extended period to a person aged 18 or over to meet physical or mental health needs that have arisen as a result of disability, accident or illness. An individual who needs continuing care may require services from NHS bodies and/or local authorities, and local authorities should also be able to provide free personal care to such people if they qualify for it. Where personal care is provided at home as part of a package of continuing care that it falls to the local authority to provide, there is no reason why the local authority should not be required to provide it free in the same way as personal care that is not provided as part of a package of continuing care. If an individual is entitled to services as part of NHS continuing health care, their package of care will be provided solely by the NHS and not by the local authority.

It is important that NHS continuing care and free personal care are recognised as different ways of delivering health and social care. In all cases in which it appears to a primary care trust that there may be a need for NHS continuing health care, the PCT has a duty to take reasonable steps to ensure that an assessment of eligibility is carried out. I hope that that directly addresses the concern of the hon. Member for Eddisbury (Mr. O'Brien).

On the Coughlan case, the position was confirmed in directions issued by the Secretary of State after the judgment. If a person is assessed for physical and mental health services under continuing care, that package should be provided solely by the NHS when the primary need is health-related. I hope that that clarifies the relationship between the two sets of funding.

Amendment 41 would provide the Government with regulation-making powers to authorise local authority transitional arrangements when a person moves to or from care home accommodation. Extending free personal care to care homes to cover transitional arrangements is outside the policy proposals that inform the Bill, which is about personal care at home, not care in a care home. Extending the policy as the amendment suggests would also substantially increase the costs of providing free personal care beyond the agreed financial envelope. For that reason, we cannot support it.

The hon. Gentleman talked in passing about a slightly different issue of transition—people who qualify for free care in their own home but whose situation improves to the extent that they may no longer need it. We believe that it would be unreasonable to continue to provide it. People are regularly assessed as their needs change, and that would apply in the circumstances that he described.

New clause 5 would place a duty on the Secretary of State to make regulations to introduce a standardised assessment process for free personal care, so that a centrally standardised process could ensure that care packages were portable between different local authorities. I hope that I can reassure the hon. Member for Leeds, North-West (Greg Mulholland) and others who expressed support for the idea. We believe that to make free personal care fair and simple to understand, it will be necessary to develop a standardised assessment tool to assist councils in applying the eligibility criteria fairly, which I believe is exactly what the new clause is designed to achieve. We have already suggested that in our consultation document on regulations and guidance. I draw the hon. Gentleman's attention to page 16, which describes our intention to develop a standardised assessment tool for that purpose. That will be set out in regulations and guidance that will accompany the Bill, and we will begin commissioning for such a tool very shortly, so we do not believe it is appropriate to include that level of detail in primary legislation.

Greg Mulholland: That certainly goes some way towards reassuring me, but will the Minister be specific? Once an individual has gone through the standard assessment process in one area, will it not need to be done in another area? That is the key question.

Phil Hope: It will be a standardised assessment tool described in regulations and guidance. There will still need to be local application of it, but the tool itself will be standardised in the way that I believe the new clause describes. That is what we are consulting on now through the consultation document. I hope that that reassures the hon. Gentleman that we understand the need that he describes.

That is a slightly different point from the one about the fair access to care criteria, which the hon. Member for Eddisbury mentioned. We have just completed consultation on fair access guidance, because there was concern that the level of local interpretation was such that unacceptable differences between areas were being created. New guidance, based on the consultation that we have put out, will be issued in March and will reduce the level of interpretation—I would describe it as misinterpretation—that was allowing for those differences. The combination of the revised guidance and the new standardised assessment tool will achieve the outcomes that he and the hon. Member for Leeds, North-West seek.

My hon. Friend the Member for South Thanet (Dr. Ladyman) took the opportunity provided by the new clause to make a point about the integration of health and social care, and the right hon. Member for Charnwood (Mr. Dorrell) echoed that. It is true that we are seeing different styles and different approaches to that integration in different parts of the country, and the right hon. Gentleman was right to suggest that there is more than one approach. He made some very good

[Phil Hope]

points about that. My hon. Friend made a strong bid for a particular model and described its characteristics, and I will take it as a contribution to our thinking about a national care service. It is not a matter for today, but we will have to address the dilemmas about ring-fencing and so on as we go forward.

I turn briefly to the questions that my right hon. Friend the Member for Torfaen (Mr. Murphy) asked about the applicability of the Bill. I can assure him that we have conversations at official and ministerial level about that, although I would distinguish between the current Green Paper and White Paper developments and the Bill. The provisions in the Bill are only for England, and provisions in relation to Wales will simply give the Welsh Assembly Government the powers to take forward the proposals that we are making, should they wish to do so. We will get to amendment 28 later, but I wish to put it on record now that good practice is exchanged. I understand that the Welsh Assembly Government are consulting on their own Green Paper, and we need to ensure that we collaborate and co-operate across the nations to get the best possible outcome for all involved. We must also deal with the problems that the hon. Member for Eddisbury mentioned of people living very close to the border on either side.

I hope that I have answered all the questions that I was asked and, given my replies, I ask hon. Members not to press their amendments.

Mr. Stephen O'Brien: This has been a useful group of amendments for extracting some helpful information—not least that we should have the result on the FACS problem that I mentioned by March. My question on new clause 5 had nothing to do with any lack of support for it, but concerned our anxiety about the lack of a copper-bottomed assurance that there was no cost differential. That underlines the importance of the Government noting the concern that, as this Bill is rushed through, we do not have even the draft guidance and regulations that will accompany it. That makes a big difference, because it would aid interpretation.

I hope that the right hon. Member for Coatbridge, Chryston and Bellshill (Mr. Clarke) will give the same weight to my words as he does to those of the hon. Member for South Thanet (Dr. Ladyman). I am sure that, given the values that the right hon. Gentleman seeks to espouse, he would not seek to discriminate as to our credibility just because we travel under different political colours. We used the same language, and the important point to note is that the questions that we asked about transitional and continuing care are difficult and have not gone away despite the Minister's fair stab at answering them. We will have to return to those issues, as they involve relationships with local authorities and whether they have the autonomy to deliver the high quality services that we all want while at the same time ensuring fairness and predictability. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Stephen O'Brien: I beg to move amendment 15, page 1, line 20, at end insert—

> '(4BA) Any local authority not in receipt of funds from central government equivalent to the full cost of providing personal care to people living at home shall not be obliged to provide such care.'.

The First Deputy Chairman: With this it will be convenient to discuss amendment 48, page 2, line 4, at end insert—

> '(4DA) The Secretary of State may by regulations restrict the cost to local authorities of providing personal care to people living at home.'.

Mr. O'Brien: The purpose of amendment 15 is to probe again the £250 million efficiency savings on which this Bill depends. Can the Minister tell the Committee how he has calculated that figure? We worry that, as the impact assessment suggests, he has just plucked that figure out of the air.

Amendment 48 would give the Secretary of State flexibility to limit the cost to local authorities. The question is who is exposed if the Government have got their calculations wrong? Would it be the Treasury or local authorities? Should the Exchequer—the national taxpayer—bear the costs of any mistakes or should it be local taxpayers or even the recipients of care services?

The Local Government Association, in its briefing on the Bill, expressed its concern that the Government are not confident about the accuracy of their cost estimates. Many councils have already planned their savings and budgets for the year that the policy will start—2010-11. Councillor Ken Thornber, the leader of Hampshire county council—with West Sussex and Kent, it is one of the Conservative-controlled councils giving a good lead on social care—has said that his council would have to find between £5 million and £10 million above present projections.

This morning, I received a letter from the chair of the Learning Disability Coalition, Anthea Cox, which stated:

> "We remain extremely concerned at what the implications for local authorities will be in terms of finding £250 million a year from efficiency savings. We are most anxious that these savings do not mean cuts in services for other needy people. It makes no sense to direct extra funding towards people who have their own significant resources as increasing the numbers of people who will become eligible for personal care funding at the highest level of need will reduce the funding available for those with substantial levels of need. There is considerable anxiety where the cuts may be made and the impression that care is being rationed for people with moderate needs. If an outcome of the Bill is further pressure on social care budgets this could well lead to further rationing."

The blunt truth is that if these savings cannot be found from the efficiencies somewhat loftily urged by the Government—but with no specific plan for achieving a penny piece of them—they will have to come from cuts or increases in charges. The biggest concern is that increases in charges will fall on those with substantial, moderate or low care needs. I asked the Minister in a written question whether charges are likely to be raised. He replied:

> "Setting charges for social care is a matter for local authorities."—[*Official Report*, 10 December 2009; Vol. 502, c. 553W.]

That does not provide much clarification.

6.45 pm

There are equally serious questions about the £420 million central funding. Thus far, the Minister has confirmed that he will cut £50 million from public health campaigns, £60 million from management consultancy, £20 million from administrations costs—that is easy to say, but I wonder whether it will be his administration—and £62 million from research into cancer, dementia and other debilitating diseases. That is worrying given his recent claim that he is seeking to match our promise to increase research into dementia because of demographic changes and the profile of disease occurrence. Those savings add up to only £192 million, so I ask the Minister where the rest will come from.

Can the Minister explain why the summary of the impact assessment says that the annual enforcement cost of the policy is not applicable, but in a written answer to me on 14 December 2009 he said that it is estimated to be £27 million? How did he make that estimate? Are the illustrative grant allocations weighted, or are they simply produced according to the probable numbers in receipt of care at the critical level? How will the formula work?

What will the Government do to upskill and, if necessary, grow the work force to meet the demands of this measure to bring care to an extra 100,000 people? That is not strictly a local authority cost, but it will be a local cost. The Royal College of Nursing is

"very concerned about the impact that these reforms will have on the nursing workforce."

It claims:

"These changes will affect the workloads of health visitors, community nurses and specialist nurses—professionals who are already overstretched. The community nurse workforce, in particular, is ageing, with many due to retire in the next 10 years. With only 10 months until these measures come into force the RCN is concerned that there may simply not be sufficient numbers of properly trained social care and nursing staff to deliver the commitment to free personal care in the Bill."

Does the Minister plan the substantial investment in community nursing that will be necessary if these changes are to be successful? Has he found a source for the funding required?

Greg Mulholland: In many ways these amendments go to the heart of the Bill and its core problems. The Prime Minister announced the policy at the Labour party conference—we all have our views on why it was announced at that time and in that way. The Government announced the shiny, new policy and then said that they would fund only part of it, with the rest of the cost falling on local authorities that are already obliged to find huge efficiency savings—3 per cent. this year, rising to 4 per cent. next year. That is unacceptable, especially given how this policy was introduced. It is supposed to be implemented from October this year, but most councils have already set their budgets for 2010-11. All the savings that they have identified have already been earmarked.

The impact assessment has been roundly criticised, but the phrase that strikes most fear into those concerned about this area of policy is "inherent uncertainty", which is used about the costs of the implementation of this Bill. Simply to proceed on that basis, and to give an open-ended commitment to local authorities, which is precisely what the Bill will do, is entirely unacceptable. If the Government want to press forward with that policy, they are entitled to do so and to justify that. However, surely they should at least restrict the total contribution that must be made by local authorities, so that they can budget sensibly, as the Government rightly suggest they must.

There are other implications. The UK Home Care Association has raised concerns that the measure will put downward pressure on prices paid to independent sector providers, which provide 81 per cent. of publically funded home care, and that home care will be seen as a low-cost option compared with residential care. There is a danger that we would see a further deterioration in wages in the home care sector as a result of local authority pressure. There is already a h[illegible]rnover of staff in the care home sector—the rate is nearly a quarter. That is not good for the kind of care for older people that we would like.

The message from the home care sector—this is from UKHCA's very good briefing—is simply that

"there are no more pips to squeak"

out of it to meet that kind of shortfall. If the hon. Member for Eddisbury (Mr. O'Brien) pressed amendment 48 to a Division, the Liberal Democrats would support him. We all accept that we are in a difficult time of recession, but should the Government say, "We expect that large contribution of £250 million from local authorities, but we are not going to expect more"? Simply put, it seems that the sums in the impact assessment cannot be relied on, and therefore, if the measure goes through, local authorities can expect it to cost them significantly more than the Government's estimate.

Phil Hope: Amendment 15 would effectively exclude local authorities from the duty to provide free personal care to people living at home on the ground of a lack of central funds. That cannot be acceptable. Local authorities have a duty to meet the eligible needs of their clients. They may take their available funds into account when deciding the level of resources allocated to social care for adults, but they may not refuse to meet a person's eligible needs on financial grounds.

It is true that, currently, councils may charge for non-residential services. When doing so, they should employ a means test to help them determine the charges to be recovered. However, it is right that the provision of personal care to those with the highest needs living at home, which will enable them to continue living at home, should be exempt from such charges. It is also right that local councils play their part in the provision of personal care to those living at home with very high needs as a way of supporting their local communities. I hope that alongside the measures in the Bill, councils continue to develop their universally available preventive services for those in their local communities. Such services offer local authorities the chance to invest in prevention and reablement now to prevent higher care costs in future.

I draw Members' attention to "Use of Resources in Adult Social Care", a comprehensive assessment of the ways that local councils make best use of those resources, which the Department published in October 2009. It enables a comparison between councils on their performance regarding how they go about using their resources. Councils can look at a number of examples of excellent practice, and find ways to deliver higher quality services at a lower cost. I highly recommend the document. Indeed, hon. Members might want to sit down and discuss it with their local authorities to ensure that the best practice we see in certain parts of the country is repeated in others, and indeed across the whole country.

An integral part of the Bill is the proposed offer of reablement. That is a package of intensive support measures to help somebody to become more independent and to continue to live in their own home. As the document to which I referred and others tell us, the

[Phil Hope]

development of reablement services is already under way in many areas. We are providing some £420 million of funding in the first year of implementation, to help councils both expand that best practice and meet the costs of providing free personal care to those who are eligible.

I should like to place on record my rebuttal of the work of fiction on Department of Health research funding that the hon. Member for Eddisbury (Mr. O'Brien) repeated at the Dispatch Box a moment or two ago. Let me assure him and the Committee that cancer and dementia funding will not be affected in the way he described. We are providing more funding than ever for health research—a £1 billion budget is ring-fenced for research. We are committed to this: we are not cutting funding for cancer research to fund free personal care, as we have made clear. Indeed, our research budget has doubled since 1997.

Our social care proposals will be funded in part by making efficiency savings on Department budgets that are outside the ring-fenced NHS research and development budget. Those efficiencies will therefore not affect vital front-line projects in areas such as cancer and dementia. The research budget that funds the National Institute for Health Research and the Department's policy research programme will increase to more than £1 billion in 2010-2011. I hope I have put our position clearly on the record.

Amendment 48 would allow the Secretary of State to make regulations to put a cap on the amount of personal care that local authorities may be required to provide to people living at home. Although local authorities can use cost ceilings as a guide when deciding on the best and most cost effective way to meet a person's care needs, they have a duty to meet those needs regardless of costs, and they cannot use such cost ceilings rigidly. As such, the amendment would be inappropriate—it would enable the Secretary of State to make regulations that would impose a blanket requirement on local authorities to restrict their provision of vital personal care services to people living at home to a particular amount, which could result in unmet needs.

Let me be clear on the accusations about the impact assessment and the robustness of our figures. We have not underestimated any hourly rates for buying the care: we are using the figure of £15.75 per hour at 2011-12 prices, which is well within the expected costs. In addition, we have not underestimated the number of hours of care needed, as some have alleged: we have used the average number of hours based on Personal Social Services Research Unit modelling for people with highest needs—that is to fund the personal care element of an individual, not all the services for those who meet the criteria. We are now consulting on three possible approaches to a distribution formula, which will make allocations as fair as possible. Some authorities might have higher costs, but others, where there are fewer people, will fund their own care locally. We propose to review the workings and the costings of the scheme within the first 18 to 24 months.

I know that things have been said by other organisations and I am pleased to have had the opportunity to put on the record here in the Chamber our view that our costings and funding assessments are robust. I therefore ask the hon. Member for Eddisbury to withdraw the amendment.

Mr. Stephen O'Brien: I am very glad that the Minister felt able to seek to rebut the criticisms of his calculations and workings, not least on the impact assessment, by simply stating them at the Dispatch Box. That is precisely what I was able to do about the various highly spurious fictions and assertions that he used to criticise the Conservatives' home protection scheme. We are equal now that we have corrected one another.

Clearly, the amendments were probing. I am sorry that the hon. Member for Leeds, North-West (Greg Mulholland) feels that we should press amendment 48 to a Division, and I am grateful that he indicated that he would have supported us had we done so, but there is a risk that that would be irresponsible, because the cost implications of the amendment are unclear, and we must all operate under very severe constraints in the current conditions.

7 pm

Most importantly was the Minister's placing on record the absence of a diminution of funds for research. That statement will be looked at carefully by a number of organisations that have been in touch with us about such matters. He will be aware that that has been an issue. It is important that people should have the confidence of knowing that we can match our research effort, and the sustainability of that effort, to the profile of disease and demographics that we can see coming down the track, rather than looking at things on a purely historical basis. We fully support the increase in the efforts being made, which we advocated well in advance of the Government's decision to increase the funding for, and the emphasis on, dementia research for instance. The costings discussion has been helpful. On that basis, I can confirm that our amendments were probing amendments, so I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Stephen O'Brien: I beg to move amendment 31, page 1, line 20, at end insert—

'(4BA) The Secretary of State shall report annually to Parliament the compatibility of any new regulations and guidance relating to the provision of personal care to a person living at home with the European Convention on Human Rights.'.

The First Deputy Chairman: With this it will be convenient to discuss the following: amendment 27, page 2, line 16, at end insert—

'(6A) The Secretary of State shall report annually to Parliament—

(a) the costs of delivering personal care at home in that year;

(b) the estimated costs of delivering personal care at home in future years.'.

Amendment 45, page 2, line 16, at end insert—

'(6A) The Secretary of State shall report annually to Parliament—

(a) the number of people receiving personal care at home under the terms of the Act in that year in every local authority area in England;

(b) the cost of providing personal care at home under the terms of the Act in that year in every local authority area in England.'.

Mr. O'Brien: Amendments 31 and 27 stand in my name, while the Liberal Democrats spokesman, the hon. Member for Leeds, North-West (Greg Mulholland), will no doubt speak to his amendment 45.

This is an important group of amendments, and the Minister will understand why. Amendment 31 seeks for a report to be presented to Parliament on the human rights compatibility of the Bill, reflecting the apparently shaky legal ground that the Government are on. Amendment 27 seeks a similar report into costs. To some degree, my anxiety to press that amendment to a vote might have been ameliorated by the Minister's most recent comments, in his response to the previous group of amendments, about the fact that there would be a review of the costs, including the members' costs and so forth, at quite a fine-grained level over, I think he said, 18 months or two years. That is obviously important in ensuring fairness in the system, as well as the clarity that will be needed.

That said, uniquely, the impact assessment looks at costs for only two and a half years, so if we did not have a review within 18 months or two years, we would get pretty short shrift. The impact assessments that this Government have produced with Bills have habitually looked at costs over a 10-year period, so to get only two and a half years on a policy area covering such obviously long-term projections as this one does seems mighty unusual, if not a touch opportunistic. The costings are therefore somewhat shaky to say the least. I was therefore pleased that the Minister was able to set out at least some clarifications, corrections and admissions of error in his letter to the shadow Health Secretary, my hon. Friend the Member for South Cambridgeshire (Mr. Lansley), on 8 January.

Amendment 45, standing in the name of the Liberal Democrats, seeks a report on the numbers. It is amazing to find out that the Government have very little of the hard data on which their policy is based.

On amendment 31, the Bill comes with a lengthy justification, by comparison with other Bills, of its rectitude in the face of the Human Rights Act 1998. Its length should alert the Committee to the Government's nimble footwork in the face of their own legislation. The Government's problem is that the Human Rights Act prevents discrimination on the basis of residence. The Secretary of State and the Minister's argument is that such discrimination is allowed in certain cases and that the Government have the latitude to discriminate in that way. So much for us all being equal under the law. It was that very discrimination that my right hon. Friend the Member for Charnwood (Mr. Dorrell) sought to highlight in one of his earliest contributions today. I therefore hope that he will have the opportunity that he was looking for to discuss the issue in our debate on this group of amendments.

I am pleased that the Joint Committee on Human Rights is looking into the matter. I hope that that process will be concluded before the Bill goes to the other place, because it really needs to be. Through you, Mrs. Heal, I hope that some urgings might be made in the right direction, in order to speed up the Joint Committee's work, because of the speed with which we are considering the Bill in this House—I dare say that the Government will wish to push for the same in the other place—and because there is already an absence of the accompanying guidelines and regulations, either in draft form or actually published, that are so important for the Bill. The fact that we do not have the Joint Committee's report in advance, as is normally expected, makes us worried that an attempt could be being made—I put it no more strongly than that—at a sleight of hand.

Mr. Dorrell: My hon. Friend has had the benefit of reading some papers that I have not read. Did I hear him right? Was he really saying that although there is a general prohibition on discrimination on the grounds of residence in the European convention on human rights, the Government's position is that it does not apply to Governments and that Governments are allowed to exercise such a discretion on the grounds of residence that others are not allowed to exercise?

Mr. O'Brien: I will expand slightly on that point as I proceed, because it is a bit fine-grained and quite technical. However, in essence, his concern is confirmed, I am sad to say, in that there is effectively a get-out in such circumstances, by and behalf of Governments. That is highly challengeable, and therefore causes me concern; hence our amendment, which would require a report. The Committee would welcome that, given the importance that the whole House attaches to what appears on the front of Bills, namely a certificate, as required under the Human Rights Act, from the Secretary of State in presenting a Bill on First Reading to assure the House that it is compliant with the European convention on human rights. This Bill carries such a certificate, from the current Secretary of State.

Given the numerous legal loopholes in the Bill, the Committee will be interested to know that, according to the Minister in a parliamentary answer to me:

> "No external legal advice was sought on this matter."—[*Official Report*, 8 December 2009; Vol. 502, c. 293W.]

We know that the Government are concerned, and not just because of the extraordinary length and somewhat defensive nature of the note in the explanatory memorandum, to which my right hon. Friend might find it helpful to refer. That concern is now being picked up elsewhere, not least by a commission by which the Government have set great store—indeed, they brought it into existence precisely to look into such questions. The Equality and Human Rights Commission has expressed concern that

> "this proposal appears to cut across the options set out in the Government's Social Care Green Paper."

The commission also says:

> "Care must be taken to avoid creating negative trade-offs for other people still with considerable needs trying to access care at home. For instance, if the proposal actually further reduces the sums available to help those with less critical needs, but who could benefit substantially, including helping them to retain work or remain socially active, it may just serve to increase those whose needs more rapidly become critical."

The Equality and Human Rights Commission said that in its briefing that arrived only at lunchtime today. I hope that that is regarded as useful information for the Committee to consider.

I hope that the Minister will take this opportunity to confirm that the strength of any defence in a court of law would depend on the purpose of the Bill. In the compliance statement, the purpose of the Bill is about

> "enabling, supporting and encouraging more people to avoid or delay entering residential accommodation".

[Mr. Stephen O'Brien]

The Government claim that that is a "legitimate aim" for the purposes of the European convention on human rights. However, according to the impact assessment, the purpose of the Bill is about

"Funding care to those in need at the time of their need,"

which is also what the Prime Minister said at his party conference. Is that a "legitimate aim" for the purposes of the Human Rights Act? The record will no doubt show the Minister's response, which will undoubtedly be prayed in aid by highly paid human rights lawyers. I dare say that he will have taken a lot of advice before making his prepared remarks.

The Government's defence is also that the proposal is a "proportionate" measure, which goes some way to answering my right hon. Friend's question. What is the legal status of that defence, given that the Bill has such a small benefit for costs—if any, as has been accepted—that, according to the impact assessment, it has little overall effect on public sector manpower and public expenditure, and that it helps no more than 5 per cent. of the so-called at-risk population?

The Committee will be interested to know that there is no statutory definition of the word "home", although it appears in a number of statutes, such as the Housing Act 1985. That was the Act that legislated for the right to buy, a right that has seen people gain property, as well as the social mobility attached to that, only to have to sell it to pay for their long-term care. Part of the problem that we are now facing is with precisely that generation. The 1985 Act speaks of a person's "only or principal home". There have been many cases concerning the definition of that phrase. I will not take up too much of the Committee's time, but hon. Members should be aware of the succession of cases on that issue, which include Crawley Borough Council *v.* Sawyer in 1988, Ujima Housing Association *v.* Ansah in 1998, Amoah *v.* Barking and Dagenham in 2001, which will be of interest, and Hammersmith and Fulham *v.* Clarke in 2001.

That is an important succession of cases, because many of them link home with the intention of the resident to occupy it rather than with the occupation itself—so intent appears to be what the law relies upon. What happens in law if an individual is able to define the care home in which they reside as their home? The money resolution, as we know, if not the legislation per se, would make provision for the funding of that person's care. By proving that a residential care home is their home, could an individual make themselves eligible for free personal care?

If the Minister does not have a ready answer, he can be fairly sure that the courts will seek to provide one in the due light of day if the Bill becomes an Act. I hope he will take this opportunity to guarantee that the Bill will not be open to legal challenge on human rights grounds. Is he confident enough to commit the Government to funding the full costs of any successful legal challenge on those grounds? Moreover, will he place the internal legal advice in the Library, given the germane points that have now been raised as a result of great concern, not least admitted by the fact that the explanatory memorandum has had to go to such lengths without the decisiveness of a conclusion that one would normally look for with such an important matter as supporting a Secretary of State's certificate on the front of a Bill?

This is not merely a case of lawyers dancing on the head of a pin, which some might argue is the closest to angels they will ever get. Professor Malcolm Johnson of the university of Bath has said that for people with high needs—those requiring care for more than 30 hours a week and typically dementia patients—more complete, appropriate and cost-effective care can be delivered in a care home. That is backed up, according to the noble Lords Joffe and Lipsey in the other place, not least by the Personal Social Services Research Unit—known as PSSRU—and the London School of Economics, which is doing the costings for the Government's social care models.

In a response to me of 8 December, the Minister said that residential care would remain an "appropriate setting" in which to meet some people's care needs. If, because of financial concerns, the measure keeps people at home who really ought to be in residential care, it could be seriously detrimental to the mental and physical health of many frail people. That is why all the third parties are arrayed against piecemeal reform in this area. To some degree, there has been a certain circularity in the arguments over previous groups of amendments, not least in discussions with the hon. Member for South Thanet (Dr. Ladyman).

Amendment 27 deals with costings. I repeat my rather lukewarm welcome, given the Minister's assertions at the end of the debate on the previous amendment grouping, but it is important to state from the outset and on the record that this care is not free. Someone must pay for it: in the short term that will be the beneficiaries of public health campaigns, and, it has been argued, the taxpayer and Cancer Research in the long term. We heard the rebuttals that the Minister sought to pray in aid at the end of the previous grouping, so we must take them as they were put forward, but someone somewhere has to pay. The proper phrase that should be used is "free of charge", but I dare say that that would spoil the slogan on the Prime Minister's already printed election leaflet.

As we have said, the Secretary of State has rejected taxpayer funding for social care reform, but the Prime Minister thinks it is a good idea. It is right to have some public services, like our NHS, that are free of charge, but we should never forget that they are not completely free. Indeed, it was the current Secretary of State himself who recommended that patients be given an indicative receipt for the cost of their care. I am sure that the Minister is more than well aware of the record of when the Secretary of State said just that when he was a Minister. The problem with Labour Members is that they continue to think of taxpayers' money as Government money. Increasingly, with their party facing financial as well as, one hopes, electoral bankruptcy, we should be concerned that they do not look to taxpayers' money as some form of re-election fund.

7.15 pm

The Government have estimated the cost of the measure at £670 million a year. "Estimated" is the right word. Table 2 is dependent on figures drawn from the unpublished modelling for the Green Paper, and the full model remains unpublished. The model used to estimate the flows in and out of residential care has not been published. The model referred to in paragraphs 5.12, 5.13 and annex B of the impact assessment is still under development.

This is also the model on which estimates of savings are predicated. According to paragraph 4.6, the costs of the whole policy are still being modelled and the assumptions are going to be tested through consultation with stakeholders, which runs until 23 February. We have already discussed that point about the timetabling.

The number of individuals who are FACS-critical critical is estimated from a secondary analysis of data from the English Longitudinal Study of Ageing—an analysis that has not yet been published. Little is known about the number of younger adults who fund their own home care. The figure of 110,000 should be "treated as an estimate", as I was told in a written answer.

The estimate of people for whom reablement is successful is based on the experience of a single local authority, West Berkshire. The Minister has told me in another written answer that the Department does not hold equivalent data for other councils. Perhaps he would like to spell out the reasons why the Government feel that West Berkshire is representative of Britain as a whole.

The estimate of home care spend in annex B of the impact assessment is an estimate plucked out of the air, for which the Minister has given no justification, while the estimate of the costs of reablement are also plucked out of the air. When I asked the Minister what the minimum and maximum costs of reablement were, he replied that he understood that there was a "wide variability" in "different councils" and that the "derivation" of a cost of £1,000 was "clearly stated" in annex B of the impact assessment. What does annex B say? It says:

> "It has been estimated that reablement costs £1000 a person (roughly 30 hours of reablement at £30 an hour)",

but we have no sources for where either of those figures referring to the number 30 came from, so we have to ask whether these have just been made up. The costings assume that only 10 per cent. of the people who currently go into residential care will instead stay in their home to receive free personal care. Is that really tenable—that faced with the choice of paying £25,000 a year in a care home, or free care in their own home, only one in 10 will take up the free option?

The Government have persistently refused to extrapolate their calculations beyond 2012, so we have had to do it ourselves. Using just a linear projection, the costs will double to about £1.2 billion a year by the end of the next decade. The excuse given to me in a parliamentary answers was:

> "We cannot reasonably make these extrapolations because of the levels of uncertainty",

including

> "the unknown detail of any future national care service and the unknown future economic climate"—[*Official Report*, 16 December 2009; Vol. 502, c. 1323W.]

The Minister also mentioned an uncertainty that aspects of people's behaviour would change as a result of the "introduction of these proposals", and that the policy would be reviewed after 12 to 18 months to "ensure" that there are "no perverse incentives". This is a funny way of doing policy: to set the hare running and if it all goes wrong, we will revisit it—a kind of microcosm of the last 12 years, one might suggest.

Such uncertainties are eye-watering. For example, if all the people with informal care switch, this adds £17 million to the cost. If the Government have underestimated the number of younger adults with needs by just 10,000 across the country, it adds £6 million. If care inflation rises faster than general inflation—at 4 per cent., for example—this would add £14 million. An arbitrary underestimate of the numbers of elderly people of just 1 per cent. adds an extra £5 million. The assumption that the relationship between care need and cost is linear—in annex A—turns out to be wrong. Again, a 1 per cent. deviation equals £6 million extra. If all these costs were realised, it would cost an extra £49 million a year. If the Bill provides a perverse incentive for care homes to redesign themselves as "extra care"—we have had some discussion about that—and that happened, it would add an extra £1 billion to the cost. Even if only 10 per cent. did so, it would still be another £100 million.

My estimates are, perhaps naturally, pretty conservative. The noble Lords Lipsey and Joffe, in their supplementary memorandum to the Green Paper, were highly critical of this measure, noting that the costs in Scotland inflated by 74 per cent.—that was equivalent to an extra £500 million in the first year. Leaving aside the potential costs of the measure, given that people will not receive transport, meals, cleaning, shopping, sitting services and so forth free of charge, will the Minister tell us the likely range of spend on such services for an individual receiving what the Government are now proclaiming as free care? On that basis, I support amendments 31 and 27, and point out that we may well wish to divide the Committee.

Mr. Dorrell: I congratulate my hon. Friend the Member for Eddisbury (Mr. O'Brien) on tabling the amendments and again on the way in which he spoke to them. Both amendments are hugely important.

Amendment 31 deals with the European convention on human rights. My hon. Friend should be specifically congratulated on reminding the Committee that the modern world is increasingly one in which the untrammelled right of law-makers to make laws that seem like a good idea on their way to the party conference podium is qualified by a series of commitments that Governments have entered into over the years to ensure that the laws of this country comply with certain basic principles. For our present purpose, the principles are set out in the European convention on human rights. According to one of them—acknowledged in the explanatory notes—it is not consistent with the convention, and therefore with good law, to discriminate between individuals on the basis of where they live. First, the Government acknowledge that that is a principle of good law because it is in the convention, to which this country is a signatory. Secondly, the explanatory notes explicitly recognise that an individual in residential care

> "might allege that they are being discriminated against in the protection of their rights under Article 14 ECHR".

This is not something dreamt up by my hon. Friend; it is something that the Government recognise as a potential weakness in the Bill.

What is the Government's defence? According to the explanatory notes,

> "the Department's view is that the different treatment"—

Members should note that it is acknowledged to be different treatment—

> "of people living at home is not discriminatory. This is because the policy underlying the different treatment pursues a legitimate aim in a proportionate way."

[Mr. Dorrell]

I do not follow those two sentences. The explanatory notes state that the Department's view is that the different treatment is not discriminatory, and then state that it is discriminatory, but that the discrimination is justified

> "because the policy underlying the different treatment pursues a legitimate aim in a proportionate way."

Having acknowledged that the treatment is discriminatory, the Government then say that the discrimination, despite being contrary to the ECHR, is justified because in the Department's view, or more precisely the view of the Prime Minister—I do not believe for a moment that the policy had its origins in the Department—

> "the different treatment pursues a legitimate aim in a proportionate way."

Let us consider what is the "legitimate aim", and whether it is, in truth, proportionate. According to paragraph 23 of the explanatory notes:

> "The key aim…is to enable, support and encourage more people to avoid or delay entering residential accommodation."

That is set out as the objective of the policy. Let us now consider how effective, according to the impact assessment, that policy will be. According to the assessment, the Government believe that 2,000 of the 277,000 people affected will switch from residential care to care at home as a result of a policy whose purpose is

> "to enable, support and encourage more people to avoid or delay entering residential accommodation."

The Government's proposition is that they want to delay people's entry into residential care. Their own assessment of the effectiveness of that policy is that it will stop 2,000 people entering residential care. The question for the Committee and, I suppose, ultimately for the European Court is whether the Department is right in saying that that is proportionate.

What the Department is doing is violating rights under article 14. The Government cannot argue that they are not violating those rights. Indeed, they have acknowledged that they are doing so, but claim that that is justified by the policy objective, which they describe as proportionate. When the policy objective is measured for its effectiveness, it is shown to involve 2,000 people. The rights of all the other people in residential care—there used to be roughly 500,000, and I would guess that the figure is still the same—are being violated. Those people are being discriminated against so that 2,000 people—according to the Government's own assessment—can be prevented from entering residential care.

I invite the Committee to reflect on whether the defence of the policy set out in the explanatory notes stands up. My hon. Friend has already given his assessment of the two pages in which the Government have set out their position, which might be described as "Methinks they do protest too much." The Government have acknowledged a violation of rights, and have justified it on the grounds of the delivery of a specific policy—the policy being that 2,000 people's care arrangements will be changed, but the rights of 500,000 will be violated so that those 2,000 can benefit from the Government's policy change.

Mr. John Redwood (Wokingham) (Con): Does my right hon. Friend believe there is a serious chance that the legislation will be struck down under the provision in the European convention?

Mr. Dorrell: My right hon. Friend and I are not the only ones who think that there is a serious argument to be answered. The Government clearly share that view. I invite him to assess exhibit A: the explanatory notes, in which the Government have devoted two pages of typescript to explaining why they are safe under this exposure.

Let me now deal with the second amendment. The two are linked. As I have already pointed out, in assessing the principle of proportionality we must first assess the 2,000 people against the 500,000. We must then assess the 2,000 against the £500 million that is being spent on meeting this policy objective. Is the Bill proportionate, given that it has assessed 500,000 people against 2,000? Is it proportionate when it is recognised that the public spending cost of the Prime Minister's commitment to achieving the change in care arrangements for 2,000 people is, according to the Government's own estimate, £500 million?

I do not believe that the Government have delivered their estimate of cost beyond the two-and-a-half year horizon. As my hon. Friend the Member for Eddisbury pointed out, if we look beyond that horizon, the £500 million will increase geometrically when the behavioural consequences of the measure are taken into account. According to Lord Lipsey's analysis of behavioural change and its financial consequences, the policy will result in a public spending cost well north of £1 billion. I invite the Committee to consider again whether that is a proportionate way in which to deliver the policy objective of enabling, supporting and encouraging

> "more people to avoid or delay entering residential accommodation",

given the Government's belief that 2,000 people will be affected.

Enlarging on the spending element, my hon. Friend was right to observe that apart from the principle of article 14 of the ECHR, there is the further question of affordability, value for money and the policy assessment of that £1 billion expenditure. We should bear in mind not just the general financial environment with which everyone is familiar, but the fact that the context of the Green Paper that the Government presented last July was correctly recognised to be the demand pressure, and therefore the spending pressure, that is already building in this sector, reflecting rising demand for social care, and rising expectations about the standard at which that care will be delivered to the next generation of elderly people.

7.30 pm

That is why my hon. Friend is entirely right to ask for a proper statement of the Bill's financial consequences looking beyond the current two-and-a-half-year horizon. We should remember, of course, that the projection by Derek Wanless did not confine itself to two and a half years, but looked forward to 2020. If my memory serves me well, he envisaged the cost of social care rising from 1.2 to 2 per cent. of GDP over that period—in other words, a marginal, additional cost merely to maintain the current level of social care delivery of 0.8 per cent. of GDP. My hon. Friend will probably remember better than I the current size of GDP, but such a percentage must equate to about £20 billion—and merely to maintain the current delivery of social care.

Despite the words in the Green Paper and the weasel words of the Minister from the Dispatch Box when he tried to evade the point, the Government are encouraging people to believe that the underlying rising demand for social care cannot be met on the basis that it all be paid for by the taxpayer. The Government are now half promising, however, that the taxpayer will meet the bill, which will further constrain our ability to deliver on the rising amount and quality of care that we all want.

Dr. Ladyman: I was not going to comment, but I will now because the right hon. Gentleman has gone into party political matters. Is it not a little strange for him to pray in aid Wanless and talk about the rising costs over 20 years of social care, given that the solution proposed by Wanless—a reform of attendance allowance—is the one policy that those on his Front Bench oppose?

Mr. Dorrell: Wanless proposed a variety of different funding mechanisms, but the truth is that neither major party has leapt to pick up the main Wanless proposal. We had a debate on that, prompted by the Government's Green Paper, to which I contributed. I said that the debate had come far too late and that we should have had it 10 years ago, as the Prime Minister at the time had promised. None of that, however, alters the fact that we are now committed down a policy line that half promises precisely the policy option that Wanless ruled out, that the Government ruled out, that the hon. Member for South Thanet (Dr. Ladyman) to his credit has again ruled out, that my party has ruled out and that even the Liberal Democrats have now ruled out—that it all be loaded on to the taxpayer. That is an unsustainable option. The Government have always recognised that it is unsustainable, but they are now half promising to take that route. No wonder they will not publish a projection that shows how much it will cost.

Greg Mulholland: I shall try to keep my comments brief because I am conscious that time is running out, and I am keen to get through the rest of the amendments if possible.

I want to speak to Liberal Democrat amendment 45, but I will also comment on amendment 27. The amendments follow on succinctly from the last set of amendments and relate again to the concerns about the costs of the Bill and the fact that not only is there a real lack of faith in the costs set out in the impact assessment—many organisations have expressed that concern—but that there is a potential burden on local authorities. It would be sensible, therefore, to have in the Bill a method of reporting to Parliament on the costs.

It is a shame that we did not discuss that matter with the hon. Member for Eddisbury (Mr. O'Brien) before, because the best amendment we could have tabled might have included subsection (a) and (b) of our amendment 45 and (b)—as subsection (c)—of his amendment 27. Having the estimated costs in future years is a good suggestion. It would also be incredibly sensible to have the annual reporting done according to every local authority area, given the burden placed on local authorities that we discussed earlier.

To get to that stage, it would also be incredibly helpful—I hope that the Minister accepts that this suggestion is intended to be helpful—to look at the number of people claiming free personal care at home under the terms of the Bill. That would be sensible because it would allow the Government to identify where there is a particular need and which local authorities in England have a larger proportion of people eligible—particularly a larger proportion of older people. Where there are certain demographics, and where local authorities will be particularly burdened, it would be helpful, for those local authorities and Parliament, to have such a report.

I do not know whether the hon. Gentleman intends to press amendments 31 or 27—or both—to a Division, but we would certainly support amendment 27. I think that our amendment is slightly clearer, but given that he gets the chance to press his, and we cannot press ours at this point, we would support him.

Phil Hope: I shall address the issues presented through the amendments. First, let me be clear on amendment 31 concerning the European convention on human rights. The Bill has been deemed compatible with the ECHR. The memorandum, which is detailed and quite thorough, was criticised for being too long, but I think that doing it well and thoroughly means that we get it right. Guidance has been sent to the Chair of the Joint Committee on Human Rights, and I have the joint memorandum with me.

Hon. Members are right to draw attention to what I think is a well-argued case that the grounds for the different treatment of people living in their own home are clear. The key thrust of the policy behind the Bill

> "is to enable, support and encourage more people to avoid or delay entering residential accommodation."

As such, the policy pursues a legitimate aim and one that goes back across different Governments. The policy will achieve that aim in a proportionate way because it is aimed at those with the highest need—the group of people most at risk of having to enter residential accommodation and who therefore have the most to gain from taking advantage of the provision of free personal care in their own homes. The Department's view is clear: the policy behind the Bill is not discriminatory. That is clearly laid out in the measures.

I might add that we are already seeking to ensure that any secondary legislation and guidance is compatible with the convention, and that the regulations that the Secretary of State will be empowered to make under the Bill and related guidance will be no different in that regard.

Mr. Dorrell: Will the Minister confirm that the Government's own impact assessment states that the number of people who will switch from residential care—in other words, who reflect the achievement of the policy for which the derogation from the ECHR is effectively being sought—is 2,000?

Phil Hope: The key thrust of the Bill

> "is to enable, support and encourage more people to avoid or delay entering residential accommodation."

The right hon. Gentleman has rightly described one particular group of beneficiaries—those people who might switch. I understand that that is in the impact assessment. However, there is another much wider group of people whom we will help to avoid or delay entering residential accommodation.

Mr. Dorrell: If that is the argument on which the Government will rely, why did they not set it out in the impact assessment?

Phil Hope: I think that everything has been set out. I have set it out here. It has been set out in the memorandum sent by the Department of Health to the Joint Committee on Human Rights.

Mr. Dorrell: I am grateful to the Minister for his patience. That is exactly my point. It was not set out in the impact assessment, but was rushed out of the Box to give the Minister something to say. If that is the basis on which the Government are relying, why was it not in the impact assessment?

Phil Hope: Nothing has been rushed out from the Box. One might argue that it could have been, but no doubt there was confidence in my abilities to answer these questions fully and thoroughly by referring directly to the statement that we put to the Joint Committee on Human Rights. I think I have put that matter to rest. Amendment 31 calls for an annual report on compatibility, but that is an unnecessary requirement because the Bill is compatible.

Amendments 27 and 45 would require the Secretary of State to report to Parliament annually on the costs of providing free personal care at home, the estimated costs of that in future years, and the number of people who receive personal care in each local area. The hon. Member for Eddisbury (Mr. O'Brien) made a number of detailed points about the impact assessment. He repeated a number of the answers I had given to him via written questions, and he went on to make a series of interesting extrapolations, because the impact assessment is in place for only two and a half years. I want to reiterate a point I have made to him on the Floor of the House and in writing: the impact assessment covers only the period from October 2010 to the end of 2012-13. Estimating beyond that point is problematic because of the uncertainties involved. As I said in respect of previous amendments, the proposals in this Bill are a step towards having a fully integrated national care service, at which point a different set of assumptions will need to be applied, and therefore the hon. Gentleman's extrapolations will not apply.

I also want to emphasise to the Committee—the hon. Gentleman acknowledged this in moving the amendment—that we have committed to reviewing the implementation of free personal care within the first 12 to 18 months of the policy coming into force. After that review, it will be possible to reconsider the predicted costs of delivering free personal care and the conditions for eligibility, if necessary.

If the costings for the first year prove to be accurate, it would be an unnecessary burden on local authorities for them to have to produce data to enable the Secretary of State to report to Parliament annually on this matter. Such a report would require a greatly increased volume of data collection by local authorities, which I think both Government and Opposition are keen not to impose. There will obviously need to be some increase in the amount of data collected by councils in order that the delivery of free personal care can be accurately considered, and we are consulting on what data would be needed and how the extra data might best be collected so that the extra pressure on local authorities is minimised—an aspiration that I think both Government and Opposition would support.

On the basis of my responses, I ask the hon. Gentleman to withdraw his amendment.

Mr. Stephen O'Brien: This is a very important group of amendments, because we have been discussing the preparedness of the Government—their having a thorough understanding of the technical detail in advance of laying this before the House. In respect of seeking a derogation from compliance, under the Human Rights Act 1998, to the European convention on human rights, the Government have yet to convince us. Therefore, we will seek to divide the Committee, not least because of all the arguments of reinforcement put forward by my right hon. Friend the Member for Charnwood (Mr. Dorrell), who is a former Secretary of State, and also because the Minister did not give a sufficiently robust answer on the cost-benefit question—on the argument about just 2,000 people benefiting from this, weighed against any increase in access.

Mr. Tom Clarke: Only at the end of the debate was reference made to the cost of the bureaucratic set-up for local authorities. Has the hon. Gentleman consulted local authorities about the labyrinthine implications of contributing to an annual report? Would the money not be better spent on the needs we have identified?

Mr. O'Brien: As the Minister has said, additional data collection of some nature will have to be done. The scale of th[illegible]ll have to be measured against the need to ma[illegible]t is efficient. However, the blunt truth is that local authorities have been consulting us, and expressing their anxiety and concern about the drafting of the Bill.

However, we wish to divide the House on amendment 31 on human rights convention compliance. The Government have not made a good enough case. It is very important that we test the opinion of the Committee, not least because all of us as legislators have a fundamental duty to get this specific aspect of the Bill right, and we want to give the many experts in the other place the opportunity to discuss it, and we also want them to see that all the arguments have been fully aired. The Government have such a weak case that we need to record our concern. That is why I shall press the amendment to a Division.

Question put, That the amendment be made.

The Committee divided: Ayes 197, Noes 287.

Division No. 34] **[7.44 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Blunt, Mr. Crispin
Bottomley, Peter
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burns, Mr. Simon
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Cameron, rh Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, Mr. Dai
Davies, David T.C.
  (Monmouth)
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Duncan, Alan

Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
O'Brien, Mr. Stephen
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Mr. Roger
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
James Duddridge and
Jeremy Wright

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, rh John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith

Hood, Mr. Jim
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Reed, Mr. Andy
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C.
(Sheffield, Hillsborough)
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Taylor, Ms Dari
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Twigg, Derek
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mark Tami and
Mrs. Sharon Hodgson

Question accordingly negatived.

Mr. Stephen O'Brien: I beg to move amendment 17, page 1, line 21, leave out from beginning to end of line 2 on page 2.

The Second Deputy Chairman of Ways and Means (Sir Michael Lord): With this it will be convenient to discuss the following: amendment 18, page 2, line 1, leave out 'undergoing' and insert 'undertaking to undergo'.

Amendment 19, page 2, line 1, leave out 'a' and insert 'at least one'.

Amendment 20, page 2, line 2, at end insert—

'(4CA) Any process under subsection (4C) may not be contingent on the activity of, or acquiring, a carer.'.

Amendment 21, page 2, line 2, at end insert—

'(4CA) The process under subsection (4C) shall be available to any person with care needs according to guidance issued under section 7(1) of the Local Authority Social Services Act 1970.'.

Amendment 43, page 2, line 4, at end insert—

'(4E) Provision by virtue of subsection (4B) may for the purposes of this section not require the recipient of care to undergo the process defined in subsection (4C) if, in the assessment of a registered medical practitioner, the life expectancy of the person is such that the process will be limited or no benefit, or detrimental to the health of the patient, or will not alter their care needs.

(4F) Provision by virtue of subsection (4B) may for the purposes of this section not require the recipient of care to undergo the process defined in subsection (4C) if, in the assessment of a registered practitioner, the process will be of limited or no benefit, or detrimental to the health of the patient, or will not alter their care needs.'.

Mr. O'Brien: Amendment 17 would remove new subsection (4C) and amendment 18 would change the word "undergoing" to something that we think will improve matters. I shall have explained where the Committee's opinion may best be tested by the time I conclude my remarks.

The Committee will see that, once again, the Government are falling over themselves in the drafting of this clause. Bad drafting is of course indicative of bad legislation, and the circumlocutions in this provision are a mark of the Government's political motives, which we have already discussed. How would a lawyer define, for instance, a

"process designed to maximise the person's ability to live independently"?

Marriage would seem an obvious example of such a process, but I cannot imagine for a second that we will have local authorities mandating that. This is, of course, a legislative reference to reablement. I am not convinced, in truth, that reablement needs to be on the face of the Bill. It does not need legislation to make it work, of course, and surely that should be the test of access to the statute book.

8 pm

More worryingly, the way that the Bill is drafted means that it does not allow a local authority to refuse to provide care until the reablement process has occurred. For example, let us say that Mrs. X has suspected critical needs. She applies for an assessment, which takes three weeks—that is not unusual. She is told that she needs reablement, specifically a stair lift and a walk-in bath, which might normally take a further month to purchase and install—let us hope so. It is January, and the council's budgets are tight, so it slows down the process in the knowledge that it does not have to start funding her until the reablement has, in the terms of the proposed new subsection, been undergone. Mrs. X has three months without the care that she needs. That is a legally enforceable event under the Bill as drafted, hence my criticism.

Will the Minister confirm whether the Bill would take precedence over section 47 of the National Health Service and Community Care Act 1990, notably subsection 1(b), which states that a local authority must make a decision as soon as an assessment is carried out, and subsection 5, which does not

> "prevent a local authority from temporarily providing or arranging for the provision of community care services for any person without carrying out a prior assessment"?

The Minister has confirmed in answer to a parliamentary question that

> "there are uncertainties about the long-term impact of re-ablement on the need for care, we cannot make an accurate forecast at this current time."—[*Official Report*, 14 December 2009; Vol. 502, c. 764W.]

So much for evidence-based policy. Amendment 18 is the amendment that the Committee might want to see tested.

Amendment 19 asks how many rounds of reablement people will get. In a response to a parliamentary question, the Minister said:

> "There are currently no proposals to restrict packages of re-ablement."

He went on to say, however:

> "It will be for councils to determine who might benefit from this intervention and whether it is appropriate to repeat this at a later date."—[*Official Report*, 8 December 2009; Vol. 502, c. 291W.]

Does that mean that the Government will fund reablement that goes outside the indicative grants to local authorities?

Amendment 20 would prevent reablement from including an informal carer. Will the Minister confirm that reablement will never include an obligation on a family member to take up informal caring responsibilities? Returning to the question of personal care, it seems that carers will continue to be taken into account in the assessment of whether someone has critical needs. The Government's estimate is that only 50 per cent. of carers for people with critical needs and only 5 per cent. of carers for people with moderate needs will give up that informal care when they see that if they do that, care will be provided free of charge. Do such small figures hold water when it comes to the points made by my right hon. Friend the Member for Charnwood (Mr. Dorrell) earlier?

Dr. Ladyman: My reading of this amendment is slightly different to that of the hon. Gentleman. Will he help me? Proposed subsection (4C)—the bit of the clause that is removed—states that a local authority "may" make this measure conditional. It does not say that it has to do so. I read it as a mechanism by which a local authority may—if it feels that, by getting somebody to undergo an intensive period of support, that person might have a lower care need that would have to be funded by the state and the local authority, or if it feels that making the person accept certain technologies in their home and making them use them would ensure a lower cost of ongoing care—insist on the person having that level of support. In other words, it is a way of ensuring that somebody does not avoid doing something that would reduce the local authority's costs in the long term just because they are too lazy or too wilful to do it.

Mr. O'Brien: The hon. Gentleman is obviously carefully thinking through the way in which this will operate, and I respect that. The difficulty is that this provision is the trigger mechanism. I am concerned that there should not be any chance for the trigger to be delayed by the actions of local authorities if they postpone the time at which reablement is, in the word proposed by the legislation—it is not my word at all—"undergone". I am seeking to ensure that local authorities cannot delay because of the words used in the legislation. That is what we are here for, after all. I want to replace "undergoing" with "undertaking to undergo" in order to make it clear that it should start at the point at which an assessment is incepted. I hope that our amendment makes that a lot clearer and a lot more certain. I hope that that helps the hon. Gentleman.

Dr. Ladyman: The hon. Gentleman's aim is laudable, and I can understand it, but if a local authority were to delay providing support for somebody on the basis that it had not done something or made something available, surely no court would allow the local authority to get away with that. The ombudsman certainly would not.

Mr. O'Brien: That might well be the case if the person for whom care and support was needed was the cause of the delay. I suspect that that would cause some of the support that would otherwise be given free of charge not to be available anyway, because the person would not be ready to accept that level of care. The issue is the provision of care and what starts the requirement, under law, to make that care, which will be free of charge, available. That is what we have been concerned about. There is an ambiguity, to say the least, and probably an uncertainty, in the way in which the legislation is drafted. I do not think that this amendment is hugely challenging or controversial. It is, I hope, trying to give the Government's intent a better chance of being borne out in how the wording leads to decision-making behaviour from the people who will interpret the Bill in an administrative or legal capacity rather than necessarily any behaviour from those who are looking to receive the care.

Amendment 21 is a probing amendment to ask the Minister to clarify who will be eligible for such care, and amendment 43, tabled by the Liberal Democrats, who will address the points that it raises, is on the question of palliative care. I am in sympathy with it and supportive of it. The regulatory impact assessment says that people receiving palliative care would be excluded from reablement. That seems quite harsh. As Help the Hospices has said,

> "people can receive palliative care alongside curative treatment (it's certainly not an either/or) and people can also receive palliative care for prolonged periods of time (for some, such as younger people with life limiting conditions, such care can go on for many years)".

[Mr. Stephen O'Brien]

I shall ensure that the Liberal Democrats have the chance to develop that point, but I think that it is important that we recognise it. It is a powerful point and we are grateful that they have tabled that amendment.

The Minister stated in an answer to a parliamentary question on the number of cases in which people received palliative care that he had no idea what the median, mean and maximum life spans are for people receiving palliative care. I hope that he will be able to expand on the answer that he gave me on 7 December. That issue, in itself, will be of concern.

In conclusion, as I want to keep the introduction to these amendments relatively brief, I think that the technical way to do this will be formally to suggest that although I will be happy, with leave, to withdraw the lead amendment in this group, I hope to have the opportunity to push amendment 18 to a vote and to test the opinion of the Committee on it, unless we hear some staggering response from the Minister, which is not expected.

The Second Deputy Chairman: I am grateful to the hon. Gentleman for making that point, but we will return to it when we have finished the debate.

Phil Hope: I want to respond to the debate—I am disappointed that nobody else wanted to contribute—

Greg Mulholland *rose*—

The Second Deputy Chairman: Order. Does the hon. Gentleman wish to contribute?

Greg Mulholland: Yes.

The Second Deputy Chairman: With the greatest of respect, I am not a mind reader. Hon. Members must rise in their seats if they wish to contribute.

Greg Mulholland: Thank you, Sir Michael. I think that I was as confused as you were by the lack of anybody who wanted to discuss the amendment.

I want to speak briefly about amendment 18, which the hon. Member for Eddisbury (Mr. O'Brien) wants to press to a vote. We would clearly all support the reablement process in principle, but it has to be done in a way that reassures people that it has not been done unnecessarily and that it is not going to be a burden to people. If it is pressed to a vote, we might need to support it, but we will wait to hear the Minister's comments.

Amendment 43 is designed to protect people for whom a medical professional thinks that reablement would not be appropriate. That group would include the terminally ill or anyone on whom the process might have a detrimental effect. The idea behind the amendment is that, although we support the idea of reablement, it must not be possible for a local authority to refuse someone free personal care at home on the ground that that person refuses to undergo a process of reablement if a qualified medical practitioner has said that the process could realistically do more harm than good. We have to acknowledge that, given the huge cost implications for local authorities, there is a possibility that they might seek to push people into undergoing reablement, or repeat reablement, and that they might threaten to withdraw services if an individual refuses to reply.

The amendment would give the option of an exemption for those people who, for good reason, feel unable to take part in the reablement process, particularly those who are in possession of a doctor's note or another form of recognised medical advice recommending that that would not be suitable. Making people go through that process could cause them great anxiety or even physical harm. We believe that the measure should be a vital part of the reablement process if we are to have confidence in it, and I reserve the right to push the amendment to a vote at the appropriate time if I do not hear a satisfactory response from the Minister.

Dr. Ladyman: The hon. Gentleman's amendment gives the impression that any letter signed by a GP and giving the effect he has described would mean that a local authority could not insist on a reablement process going ahead. As we all have examples in our constituencies of GPs who are prepared to sign virtually anything that their patients ask them to sign, what right of appeal would a local authority have, under his amendment, to challenge such a situation and say that reablement would be an appropriate course of action?

Greg Mulholland: That is a fair point; clearly, such a mechanism would need to be built in. There are sometimes concerns about the use of doctors' notes, but that issue needs to be addressed separately rather than being allowed to turn this idea on its head. We should not say that the exemption should not be there because of other concerns. We tabled the amendment to raise the principle for discussion. It is then for the Government to consider how best to build such an exemption into the system. I shall wait to hear the Minister's response.

Phil Hope: This is an important group of amendments. The policy that underlies the measures in the Bill has two clear strands—free personal care for those with the highest needs who live in their own homes, and a package of intensive support or reablement to help people to remain at home for longer. Reablement services are offered by some councils, but it is important that local authorities across the country continue to develop and improve those preventive services. We know that with a six-week package of appropriate reablement measures many people would be able to reduce their dependency on care services and therefore live more independently. It will not always be appropriate for someone to undergo a period of intensive support, depending on their individual circumstances. That is why we think that local authorities should be given the discretion to make that judgment and to provide a reablement package as a precursor to arranging a package of personal care for the individual where that is thought to be necessary. I want to make it clear that, as my hon. Friend the Member for South Thanet (Dr. Ladyman) rightly said, the measures give local authorities permission to choose to operate in that way.

On the worry that the hon. Member for Eddisbury (Mr. O'Brien) described, and the example he gave, the immediate needs of individuals would be met while they were undergoing reablement. A more detailed assessment would then be undertaken once reablement was completed. The detailed work on the scheme would not be included in the Bill but would be a matter for guidance, drawing on professional expertise and the views of various stakeholders. Removing such an express power by accepting amendment 17 would, I fear, do nothing to encourage local authorities to develop further their reablement services. It would also fail to encourage investment in services that help people to improve their personal situation and help to prevent it from deteriorating and their care needs increasing. That is one crucial reason why I urge him to withdraw that amendment.

8.15 pm

Amendment 18 would similarly fail to encourage individuals—I think this is the point that my hon. Friend the Member for South Thanet was making—to make the best use of the reablement services available to them. The amendment would mean that a local authority could make free personal care conditional not on an individual undergoing reablement, but merely on undertaking to do so. In other words—this is an important point, and my hon. Friend was right about this—individuals would not need actively to undertake reablement to receive free personal care, but would need merely to undertake to local authorities that they would do so. Therefore, that reablement might never take place.

Effective reablement relies upon sensible and effective decision making by local authorities, by people who need care services and by their care partners. Reablement packages need to be put in place and need to be undertaken to assist people in living their lives fully and in reducing their dependence. The amendment could result in a reduction in partnership working between the individuals who need care and their local authority. It could also result in authorities beginning to work up reablement packages that the relevant individuals have no intention of taking up. The amendment would not have the effects that we would wish to see of ensuring that people access and use reablement packages as a critical part of the whole system of improving care for people and, indeed, providing free care for the people with the highest greatests needs.

Amendment 19 would change the description of one of the potential eligibility criteria that may be set out in regulations. It would change the words

> "a process designed to maximise the person's ability to live independently"

to

> "at least one process designed to maximise the person's ability to live independently".

That process, which is described in new subsection (4C), is more commonly referred to as reablement. Details of what might be included in a package of reablement will be laid out in regulations or in guidance. We intend for the process to be a single process, but it could involve a range of interventions and support such as home adaptations, the installation of telecare and sessions with an occupational therapist or physiotherapist. There is a risk that, if the amendment were accepted, local authorities could use the wording "at least one" to delay giving people the free personal care that they need indefinitely. Clearly, that is not the intention underlying the Bill.

The effective and appropriate use of reablement services can help individuals to reduce their dependency on care services and can increase their ability to live independently at home. However, where an individual still has high personal care needs following reablement, they should receive the support they need to meet those personal care needs. That is why we ask that amendment 19 be withdrawn.

Amendment 20 addresses the issue of carers. It would insert the wording:

> "Any process under subsection (4C) may not be contingent on the activity of, or acquiring, a carer."

The amendment does not make clear the extent to which carer activity, which is what it describes, would be excluded. Would knowledge and expertise be excluded, or only direct help with day-to-day living? If the amendment seeks to exclude carer involvement when reablement packages are designed, that could lead to a reduction in partnership working, which we all agree is vital, between the local authority and the carer. That could result in a diminished outcome for the individual who uses the services. We all know that the role that carers play is absolutely vital, because they often have invaluable knowledge about the care requirements of the person for whom they are caring. Those requirements need to be taken into account when a reablement package is designed.

Even in a situation where carers would still be able to input their knowledge and expertise to design reablement packages, it would be difficult for them to be assured that that was being carried out appropriately if they were not involved in the reablement activity, where they wished to be.

Carers' involvement in reablement is crucial, when that is beneficial to the individual being cared for. They have an invaluable role in supporting the people for whom they care, and in working with local authorities and care providers.

I emphasise that the Bill does not seek to place additional burdens on carers, but neither does it seek to exclude them from working with councils to achieve the best outcomes for the people for whom they care. Therefore, we believe that it is important that local authorities continue to work with carers on behalf of those with the highest needs who are eligible for free personal care at home. Given my explanation of the clause, I ask the hon. Member for Eddisbury to withdraw the amendment.

Amendment 21 purports to extend the potential for local authorities to offer reablement to all those with care needs under the guidance issued under section 7 of the Local Authority Social Services Act 1970. The concern, apparently, is that the guidance should set out how the care is to be made available, and how needs are to be assessed. However, local authorities are already required to act under the general guidance of the Secretary of State in discharging their social services functions as set out in the 1970 Act. That includes guidance covering the principles of assessment and the commissioning of services.

The details of reablement services will be set out in guidance, but the services are designed to help people maximise their skills for living more independently. We all know that they are a valuable part of helping people to live at home for longer. Local authorities are free to offer reablement to anyone whom they feel may benefit. Amendment 21 potentially restricts local authorities' provision of reablement services only to those who have existing care needs. I think that that would go against the very important trend towards universal and preventive services.

Amendment 43 would prevent regulations from authorising local authorities to make reablement a condition of free personal care in certain circumstances, namely when a "registered medical practitioner" or other "registered practitioner" thinks that the process will be of

> "limited or no benefit, or detrimental to the health of the patient, or will not alter their care needs."

I hope that the hon. Member for Leeds, North-West (Greg Mulholland), who speaks for the Liberal Democrats, agrees with me that local authorities are best placed to decide whether a package of reablement would be beneficial before an individual receives personal care support free of charge.

It is obviously important that local authorities do not force people to undertake a reablement package unnecessarily. We expect councils, when they are deciding whether reablement is appropriate, to consider in a sensitive fashion the overall benefit and impact of such a package, and to work with the patient's family, GP and others to assess that person's suitability for reablement. That may be particularly important when a person is undergoing palliative or end-of-life care.

I know that one of the concerns about the Bill is that reablement will not be available for those undergoing palliative care. I can assure the Committee that, where councils believe that reablement might benefit a person undergoing palliative care, they may offer it. However, if the person is unlikely to benefit, he or she should not be forced to undergo reablement merely to qualify for free personal care. All the detail of that will be covered in guidance.

Ultimately, local authorities assess people's care needs and their eligibility for care and support, so it is right that they should be able to make decisions about the services that might be appropriate, in conjunction with other relevant partners in care.

Greg Mulholland: I thank the Minister for that explanation, in which he has made it clear that the Government's intention is that people should not be pressed into undergoing reablement. As long as that is the case, I shall not seek to divide the Committee on amendment 43.

Phil Hope: I am grateful to the hon. Gentleman for that response. I think that it is right that local authorities should be able to make decisions about which services are appropriate, but they must do so in conjunction with other relevant care partners.

I thank hon. Members for raising these issues to do with reablement. I have spoken at length because it is important that the whole Committee understands our intent and how the proposal will operate. All the details will be addressed more fully in the guidance accompanying the regulations, and I hope that what I have said will persuade the hon. Member for Eddisbury to withdraw his amendment.

Mr. Stephen O'Brien: I am grateful to the Minister, who sought to address a number of issues that we raised in relation to this group of amendments. I note that on his amendment, the spokesman for the Liberal Democrats, the hon. Member for Leeds, North-West (Greg Mulholland) expressed himself relatively satisfied with the Minister's approach.

I indicated earlier in my remarks that the amendment on which we should test the opinion of the Committee was not 17, which happens to lead the group. I intend to press amendment 18 to a Division, but I will say whatever I have to say at the right moment, to make sure that that is clear.

The Second Deputy Chairman: Order. When the hon. Gentleman has completed his remarks, we will deal with the mechanics. He can trust the Chair to do that, I think.

Mr. O'Brien: I am clear, Sir Michael, that I can, thankfully, trust the Chair to do just that.

It is important to ensure clarity because the reablement process is, as the Minister made clear, in the hands of and, in many ways, in the gift of the local authority, the providers. In the provision of wheelchairs, for example, people may fall between various providers. I am anxious about the trigger mechanism that gives people their expectation and their entitlement, at a time when they are very vulnerable and need the greatest possible certainty, together with their carers who, as the Minister rightly said, will continue to be part of the process.

It would be useful to register our concern that the word "undergoing" is not sufficiently clear in the present drafting, and press the amendment to a Division, not least so that anyone reading our proceedings with care in another place will be able to make sure that the trigger mechanism is properly analysed. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 18, page 2, line 1, leave out 'undergoing' and insert 'undertaking to undergo'.—*(Mr. Stephen O'Brien.)*

Question put, That the amendment be made.

The Committee divided: Ayes 183, Noes 285.

Division No. 35] **[8.26 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Blunt, Mr. Crispin
Bottomley, Peter
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burns, Mr. Simon
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Campbell, Mr. Gregory
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Clappison, Mr. James
Clarke, rh Mr. Kenneth
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C.
(Monmouth)
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike

Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh
  Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
O'Brien, Mr. Stephen
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Reid, Mr. Alan
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simpson, David
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Teather, Sarah
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mr. Roger
Williams, Stephen
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
James Duddridge and
Jeremy Wright

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael
  (Worcester)
Foster, Michael Jabez
  (Hastings and Rye)
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, rh John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob

Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Reed, Mr. Andy
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C.
(Sheffield, Hillsborough)
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, Dr. Richard
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Twigg, Derek
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. John Heppell and
Kerry McCarthy

Question accordingly negatived.

Clause 1 ordered to stand part of the Bill.

Clause 2

EXTENT AND SHORT TITLE

Mr. Stephen O'Brien: I beg to move amendment 42, page 2, line 27, at end insert—

> '(1A) The provisions of this Act come into force on whatever day the Secretary of State appoints by order made by statutory instrument.'.

The amendment would quite simply enable the Secretary of State to appoint the day on which the Act would come into force. It might be the same day that it receives Royal Assent, as I assume is the intention, or it might be another day. Will the commencement sections or other sections of the amended existing legislation require the Secretary of State to set out commencement provisions for the measures in the Bill? Can the Bill commence before the regulations in clause 1(4) are passed? That harks back to some of the other points that we have made about the rapidity with which we are having to consider the Bill without some of the necessary supporting documents, research and basis.

It is worth pointing out that this is the only piece of primary legislation sponsored by the Department since 1997 that includes no commencement provision, which reflects on the nature and provenance of the Bill. The reason for the amendment is that I wish to cause the Secretary of State and the Minister to pause for thought when it comes to putting it into action. I hope that just for a moment, they will contemplate what a mess has been occasioned by the desperation of a Prime Minister anxious to use the final moments of a Government and a Parliament to rush through legislation that appears to have been electorally driven.

We have looked as best we can at the Bill to scrutinise it carefully in the very limited time that we have had available. An important point is that we were up against the incredible tightness with which the money resolution was framed, which understandably and rightly excluded many amendments that we wanted to table. Many people outside this place wanted them tabled, because they have a great need to understand how the system will operate in practice and they need clarity and certainty. We are dealing not only with people who care but with people who have care needs, and there is no substitute for the clarity and the security that it occasions for people in that circumstance.

As Labour Members have made clear, and as the Minister has made clear in answers to me, the Government have assessed the funding only for two and a half years. We have had some discussion about that. That suggests that although the Bill is an interim measure, which is at odds with the fundamental point that it is meant to be consistent with the Green Paper, it has turned out to be something of a spatchcock of legislation squeezed into the end of this Parliament.

I am keen not to detain the Committee, because we have put on record many times our view about the litany of broken promises, from the then Prime Minister Tony Blair promising in 1997 to sort out social care all the way to today, 13 years later. I hope that the Minister will take the chance provided by the amendment to contemplate what many people have said about the Bill, which is that it has driven a coach and horses through the Green Paper process. I know that he resists that view, but it seems real among those who take the closest possible interest in these matters. Niall Dickson of the King's Fund, and shortly to be of the General Medical Council, said in response to the Prime Minister's announcement of the policy:

> "The problem is these latest proposals seem to have been hastily put together and appear to cut across the options set out in the government's own Green Paper. After all, the government has only just finished consulting us on the very different proposals set out in that document."

The English Community Care Association said that

> "it is unhelpful to have just one piece of the jigsaw".

The Association of British Insurers noted:

> "It is regrettable that the Personal Care at Home Bill undermines the Government's own Social Care Green Paper",

and the Equality and Human Rights Commission expressed the concerns that I set out when discussing the previous group of amendments. Lord Lipsey, who was famously a member of the royal commission on long-term care and is usually no enemy of the current Government, put it most clearly when he said:

> "What has gone wrong is that in the middle of the consultation...the Prime Minister has declared"

this Government policy.

8.45 pm

The reason for this amendment is to give those hon. Members with a keen interest in how the Bill has been put together a chance to talk of their regret about how it has been done, not necessarily its objectives. Many of us agree with its objectives; the trouble is that it does not sit well in the context that we have all been working towards and the attempt to build a consensus. I hope that the Minister will come to recognise that there is a price to pay for political tribalism, given his reluctance to contemplate the merits of our home protection scheme. Taken together with the provisions in the Bill and other measures urged on me by the hon. Member for South Thanet (Dr. Ladyman) among others, that scheme could provide the whole picture, rather than just one piece of the jigsaw. That is why we have tabled the amendment. We do not want to see a postponement of implementation, but this Bill should be seen as part of a consensual process, as far as we can achieve that. In the absence of such a process, and with the Government taking such a tribal approach, we have had difficulty scrutinising the legislation. Its provenance is more electoral and party political than policy driven. The amendment would give the Government chance to pause and contemplate the fact that they should have set the Bill in a broader context. I invite those who think that it could have been handled better—perhaps as Lord Lipsey has suggested—to support the amendment.

Phil Hope: The reluctance of the Opposition to support this Bill was obvious on Second Reading and today. The amendment would require a commencement order before the Bill could come into force, and would be yet another obstacle to the provision of free personal care for those adults and older people with some of the highest needs. We want to help those people live independently in their own homes.

The hon. Gentleman talks about consensus. He holds out the hand of consensus, but in his other hand is the back-stabbing knife of the Conservatives' disgraceful and scaremongering petition on disability benefits for older people. That shows the two-faced attitude of the Opposition in applauding the Green Paper at the same time as opposing the Bill. It is discourteous when the Conservatives are running a petition on their website that seeks to scare vulnerable and anxious older people with assertions about disability and attendance allowances that are wholly untrue.

Although the Conservatives have been reluctant to support the Bill—describing it as anomalous and perverse, as they have done today—other people have welcomed it unreservedly. Imelda Redmond, chief executive of Carers UK, has said:

> "Many families face crippling costs to pay for care, and this historic pledge to end the means test for those with the highest need could make a huge difference to their lives."

That is in stark contrast to the quotes cited by the hon. Gentleman.

Mr. Dorrell *rose—*

Phil Hope: I will give way in one moment, but I was thrown quotes criticising the Bill, and I am going to throw back some quotes from stakeholders who support it.

The president of the Association of Directors of Adult Social Services, Jenny Owen, said of the Green Paper and the Bill:

> "Today's announcement is an important and valued first step on that road",

meaning the road to creating a national care service. Mike Padgham, chairman of UKHCA, said:

> "We welcome the Prime Minister's high-level commitment to homecare and look forward to the detail of how people will be able to access free personal care. Home-based care is an excellent service which keeps many people out of hospital and...enables people to return to their communities quickly following hospital discharge."

Mr. Dorrell: The Minister has said several times that the Bill concentrates money on those with the greatest care need. Is that true? The resources are in fact being channelled to those with the greatest care needs that can be met at home, but those with the greatest care needs are those whose needs cannot be met at home. Their needs must be met in residential care, and for them the means-tested system will continue to operate.

Phil Hope: We go around the same arguments that we have been having all afternoon. The right hon. Gentleman fails to acknowledge the importance of supporting people independently in their homes, which I thought all parties accepted. The people with the highest needs are the people to whom we have given priority, as a step along the road to a national care service that will meet the needs of all older people—indeed, all adults over the age of 18—over the years to come. His party recognises that that is a huge challenge, and we are endeavouring to propose measures for it.

Mr. Dorrell: I am grateful to the Minister for his patience in giving way, but he again spoke about people with the highest care needs. We all agree that we should encourage as many people as possible to live at home and introduce a system to enable that—there is no argument about that. However, it is simply untrue that the Bill focuses resources on those with the highest care needs. Those who need residential care have the highest care needs, but the Bill does nothing for them.

Phil Hope: The right hon. Gentleman simply continues to dig himself into a bigger hole. The question before the House is this: do we support a Bill that will help those people living at home with the highest care needs—yes or no? To Labour Members, the answer is clear and unequivocal, but the Opposition have continually put forward obstacles, objections and amendments, and describe the Bill as perverse and anomalous.

As the Bill continues through Parliament, I will be clear in telling my constituents how proud I am that over 10 years, we have been developing and improving care services in this country. The Bill is one more step along the road to creating a comprehensive solution to the care needs of the people of this country. Amendment 42 would simply put another barrier in the way and we do not need it. No separate commencement order is needed and no other obstacle or hurdle is required: they would simply add more work and time to the process in general.

We do not intend the regulations to come into force within two months of Royal Assent, and that is acceptable. It is time for the games to stop and for the Conservatives to give the Bill unalloyed and clear support.

Mr. Stephen O'Brien: This is slightly depressing. The Government have chosen to discuss what they regard as a prime ministerial flagship Bill for only one day on the Floor of the House. The Bill was put together at short notice and flies in the face of the processes that the Government had already set up through a Green Paper. All sorts of people outside this place, including those who give a lot of their time to caring for vulnerable people and the many people in the various categories of need, have grave concerns about it. There is a big question mark about the legitimacy of the Bill. We have properly asked questions about its compliance with the European convention on human rights and my right hon. Friend the Member for Charnwood (Mr. Dorrell) rightly identified and reinforced those discrimination issues in his argument. However, after all that, we end up with the Minister somewhat charmlessly deciding that it is really rather an insult to subject the legislation that he is meant to be defending to scrutiny. Of course, the only way in which one can do that is by way of amendment—I dare say that that would be clear in the minds of most hon. Members. The fact that the Bill has been rushed out and is contrary to the run of the Green Paper means that many questions have to be asked.

In my introduction I simply proposed my amendment 42 and said how it is framed, so it hardly warranted the Minister's quite extraordinary rant. It is framed to allow the Committee an opportunity to test whether it feels that the process by which the Bill has come about, the time in which the consultation will take place—it will not finish until February—and the results of the assessment of that consultation, which will be important for so many people representing various stakeholder and constituency interests, have been sufficiently thought through and well framed for us to produce good legislation, which we can pass from this House to the other place to look at. We have set up a number of things that I hope those in the other place will find useful, as hooks for their discussions, so that their expertise can be brought to bear.

I hope that the record will show that, far from not being supporters of the Bill, we are indeed supporters of the Bill. We are also keen to ensure that it works for the purposes that it is intended to work and for the people for whom it is meant to work. That is why we have done what we had to do in this Committee stage. That is precisely why we are all sent here: to do our legislative duty. I am surprised that the Minister found that insulting and felt that it warranted his outrageous rant, which I thought was undignified and not worthy of the office that he is privileged to hold.

Therefore it is vital that we give the Government and the Secretary of State a chance to pause for thought. Has this Bill been sufficiently well framed, in its timing and for the process by which we are drawn to this place to scrutinise legislation? Is it sufficient for a Government simply to say, "We want it to happen; therefore it will happen"? Or, at this late stage in this Parliament, should we be doing our duty, by looking at the constituency that the Bill is meant to represent? The Minister has not given an adequate answer to why 2,000 people becoming net beneficiaries is a sufficient benefit, as opposed to the costs, to warrant the £500 million being pledged, not least because money is to be scraped from savings by local authorities—local authorities are meant to be serious providers; they are also meant to have the opportunity to save—from budgets that are often already pared down to the bone.

It behoves us to give the Committee an opportunity to express its opinion. Had the Minister chosen to take a slightly different route in responding to this debate, we might have been more amenable to building a consensual approach, but that does not seem to be on offer. The Committee should have the opportunity to register its distaste at how the Government have sought to treat us in dealing with the amendment and at the Minister's response. I therefore seek to press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 188, Noes 296.

Division No. 36] **[8.57 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Blunt, Mr. Crispin
Bottomley, Peter
Brady, Mr. Graham
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burns, Mr. Simon
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Campbell, Mr. Gregory
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Clappison, Mr. James
Clarke, rh Mr. Kenneth
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C.
(Monmouth)
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick

Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Reid, Mr. Alan
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simpson, David
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mr. Roger
Williams, Stephen
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
James Duddridge and Jeremy Wright

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Fiello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, rh John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hermon, Lady
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric

Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Pelling, Mr. Andrew
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C.
(Sheffield, Hillsborough)
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Twigg, Derek
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. John Heppell and
Kerry McCarthy

Question accordingly negatived.

9.10 pm

Proceedings interrupted (Order, 14 December).

The Chairman put forthwith the Question necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

Clause 2 ordered to stand part of the Bill.

The Deputy Speaker resumed the Chair.

Bill reported, without amendment.

Third Reading

9.11 pm

Phil Hope: I beg to move, That the Bill be now read the Third time.

This is a small Bill containing just one substantial clause, but, as has been remarked, it will have a great significance for thousands of the most vulnerable adults and older people in our constituencies. As was said, we know that social care needs a radical overhaul, and the Green Paper published last year reflects our commitment to taking decisive action. However, the promise of fundamental reform in the future must not prevent us from taking important measures here and now to help those with the greatest need living in their own homes.

The Bill means we can take action to reduce the unfairness and uncertainty that many people feel as their health worsens and their care needs grow. The Bill will provide support and financial relief to 400,000 older people with the greatest care needs, including those with conditions such as Parkinson's, dementia and motor neurone disease. Some 280,000 people who require high levels of intimate personal care on a day-to-day basis will now get these services for free in their own home. Many of them have faced the burden of paying large amounts of money for care as their conditions deteriorate, and this Bill will remove that millstone. In addition, a further 130,000 people will receive free reablement or rehabilitation to help them to recover their independence after a fall, bereavement or serious illness.

The Bill is practical and will be financially manageable for councils. Indeed, many local authorities already offer some form of reablement support, which is helping them to use their resources more efficiently. Because of that, we have a running start on many of the financial and logistical hurdles that were discussed in Committee, including recruiting and paying for the additional work force required to honour the commitment. We are consulting widely on how the system will work and how people will be assessed. I want councils to have flexibility over how they resource the free personal care offer, while we ensure consistency across the country over who receives it.

Above all, the Bill supports a simple principle—one that I must have reiterated in every intervention on the right hon. Member for Charnwood (Mr. Dorrell)—which is that we must do everything we can to help people to live as well as they can, for as long as they can and in their own homes. That is what people tell us they want and why the Bill focuses on providing personal care for those who live in their own home, including sheltered or supported accommodation. Let us remember that the Bill will not only benefit older people but support their family members, many of whom face the difficult task of looking after an elderly relative while also bringing up their own family and holding down a job. It will bring wider economic and social benefits for carers, as well as long-term savings for the taxpayer by preventing hospital admissions and reducing care costs down the line. In other words, the Bill makes sense financially, as well as morally.

Social care is changing across the country thanks to the £500 million that we have put into the transforming adult social care programme. Today's Bill is another big step forward and a vital bridge to the radical proposals for funding social care heralded in our recent Green Paper. This is a significant moment for the House. By passing this Bill, we can extend the promise of a fairer, more affordable and more sustainable care system in the future, and we can make an immediate difference, here and now, to our most vulnerable constituents, giving a hand up to those laid low by age and illness. I commend the Bill to the House.

9.14 pm

Mr. Stephen O'Brien: H.G. Wells famously once said:

> "In England we have come to rely upon a comfortable time-lag of fifty years or a century intervening between the perception that something ought to be done and a serious attempt to do it."

Perhaps that is a little harsh, but we all remember Tony Blair's pledge at the 1997 Labour party conference that he would sort out social care, and yet now, nearing 13 years later, the Government are still dealing with only a relatively small part of the overall picture, of the demand that has been coming from all quarters for many years.

Broadly, we have had a good series of discussions this afternoon. Time constraints have, however, been placed on us by the Government's somewhat bizarre programming decisions. This is not a free-vote issue, and nor is it a matter of national security, so it is puzzling that we have been given only this brief opportunity of one day to cover all the remaining stages of the Bill on the Floor of the House, rather than having the fuller scrutiny it would have received with a longer Committee stage upstairs and potentially a full Report stage. Frankly, we have ended up little, if any, closer to the clarity we need on some issues, such as the true costs of this measure—not only the basis for many of the estimates, but the costs post-2012 and the potential costs if the estimates are wrong. We expressed sufficient doubts to raise some serious questions about that. The Government have given little hope to local council tax payers and service users, who are set to bear the brunt of any funding shortfall.

The potential legal loopholes in the Bill are very worrying for the added costs they would bring, such as in respect of care homes restructuring, residential care qualifying as "home", and, of course, the human rights implications of the measure, which we have rightly discussed at length. A number of questions remain about reablement: who will get it, whether it is carer-dependent, and whether the costings are accurate and who will pay if they are not. Most disturbingly, the Government have refused to budge on their position regarding people with palliative care needs, although the discussion we had on that gives us some grounds for optimism that the situation may improve.

The proportionality of this legislation remains in serious doubt. The benefit estimated—that word again—by the Government is only £190 million a year, less than a third of the cost. The measure impacts on only 279,000 people, of whom 166,000 already receive care for free. It makes a difference to only 110,635, fewer than 2.5 per cent. of what the Government have said are the 6 million people in England with care needs.

The Bill makes no attempt to allow the whole gamut of social care to be addressed in the future. The Government have our home protection scheme before them. They have made various criticisms, but none of them amounts to anything other than the usual political rhetoric. As we have made clear, that scheme only addresses residential care, but their policy addresses some very narrowly defined domiciliary care. One could seek to put those two together and build a more consensual approach to trying to plug all the gaps and address the whole waterfront, as it were, of social care. In that, one can see the prospect of an opportunity for an approach that is a little less adversarial than, sadly, we have experienced, particularly in terms of the last group of amendments, which was a shame.

The Government have done little to reassure us that they know the meaning of the word "free" in terms of public policy: "free" means that somebody else pays. In this instance, they are pledging to cut money. A number of budgets have been mentioned, and they have sought to give rebuttals. We will study very carefully the rebuttal put forward at the Dispatch Box on research budgets, such as those targeting diseases such as dementia and cancer. There has also been a pledge to cut some money from the NHS IT programme. As Ministers are aware, I have been ferreting around, using parliamentary questions to try to get some answers, but the Government have never come clean about what contractual break clauses there are in NHS IT, or in some other contracts to do with the supply of swine flue vaccine, which I know my hon. Friend the Member for South Cambridgeshire (Mr. Lansley), the shadow Secretary of State, looks forward to receiving in terms.

It was important to make sure it is recognised that the Government have not pledged to support this policy with money from the centre, other than some proportion of it. They are also relying on the efficiency savings they simply announce can be made from local government—a full quarter of a billion pounds.

Of course, I wish that the Government had taken the opportunity to look beyond the narrow confines of this particularly electorally inspired Bill, whose provenance was the Prime Minister's comments at the time of his Labour party conference last September. With the money resolution being as tight as it is, there was not the opportunity for them to undertake full and proper consideration, not least of our home protection scheme. We would have enjoyed having the opportunity to debate and propose that. However, that is how it is, and we recognise that it will be difficult to persuade this Government to do what we hope they will do, which is to bring together a number of us to try to find some way to deliver on the very legacy that the Secretary of State claims he is trying to secure.

The Secretary of State says that he seeks some "unstoppable momentum for legislation" in this area. It is impossible to know now whether the Bill will complete all its stages, given that it must go through the upper House and that we have no idea when the general

[Mr. Stephen O'Brien]

election, which must come before June, will be called. Thus we cannot be sure whether this Bill is "unstoppable" or whether it represents "momentum"—we are not even sure that it will be legislation. What we do know is that establishing unstoppable momentum requires a degree of consensus. If the Government genuinely wish to take that approach, I would be more than happy to be asked to participate in such a discussion, as I dare say those from other Opposition parties would.

As the measure goes strongly against what the Government set out in their Green Paper, we have faced the difficulty of trying to understand how to place the Bill in the context of the wider reform that so many of us seek and know must be addressed—our political generation has no option but to do that. In our consideration of this Bill in the time available to us, we have faced particular difficulty in understanding the true evidence that lies behind it and the calculations of the costs. A lot of us, including many outside this place, have had desperate concerns about the thoroughness and robustness of the impact assessment, even when the Government have sought to reissue some of the numbers. None the less, we have tried to give the Bill reasonable scrutiny.

Interestingly, the Bill may face its biggest difficulty when it goes to another place. The Government may well have a tougher time of it there, where they have some noble "Friends"—I assume that that word still applies—in Lord Warner and Lord Lipsey who have certainly, in comments to date, been squaring up for something of a fight on this. Lord Lipsey has called the Bill a "gimmick" and said that it is

"bad policy but also a very bad way to do policy just to find a…highlight for your Labour Party conference speech."

Who knows, perhaps everything has changed in Lord Lipsey's mind after the apparently rousing call to arms by the "Mr. I'm a team player" Prime Minister at the parliamentary Labour party meeting last night—we will wait and see.

In advance of what might be considered in the other place, what matters is that we have done our very best to try to unearth what truly lies behind this Bill and how it will in fact be made to work, given that it is proclaimed to service the needs of some—only some, not all—of the most vulnerable in our country. I am grateful not only to you, Mr. Deputy Speaker, and to all those who have assisted us in going through the process of scrutinising this Bill, but particularly to my many Conservative colleagues who have taken the opportunity to contribute to this extremely well-informed and responsibly discussed debate on an important matter.

9.23 pm

Dr. Ladyman: For a relatively small group of people across the country who are struggling at home with a high level of care need and who are worried about the cost of that and whether they can continue to live in their own home or will have to go into residential care, this Bill will transform their lives. We need to put things in context, as I have attempted to do all the way through these debates, by saying that that group is relatively small. That is why this Bill, despite being good and worthy of support, is only the next step in the reform of social care. It is not the first such step and it is important to emphasise that over the past 12 and a bit years many advances have been made in the provision of social care. One that the Opposition continually fail to mention is the fact that if someone goes into care and does not want to sell the family home that they have lived in, local authorities now have the money to put a charge on that home to pay the social care debts after that person's death. The reason why so many people still sell their family home against their will is that Conservative councils and, I have to say, Liberal Democrat councils all around the country forget to tell people about that benefit that is now available.

That is not the only social care reform. Extensive efforts have been made to upgrade the status of the social care work force, to qualify them, to ensure that the regulation of social care is fit for purpose and to ensure that appropriate training is available to people who work in social care. Measures have been taken to improve the methods of discharging people from hospitals so that there is no longer bed blocking and to ensure that social care provision is available for people in the community when they need to be discharged from hospital. Reablement schemes are available around the country and improvements have been made to the provision of services and to the integration of services between the NHS and social care. Efforts are also being made to extend the availability of telecare and of extra care accommodation. I remain disappointed by some of the comments made by the Opposition about extra care. If, as they say, they are approaching this Bill in an open-minded spirit and if they want to approach me, I will happily take them to see some extra care accommodation and to see the benefits that such care can provide to people.

All the measures that have been put in place so far have been the first steps in improving social care provision in this country, but the Bill that we are discussing today is only the next step on that path. The biggest step of all remains in front of us: we need to fold all those measures together into the comprehensive social care package that we know we have to face up to. In my view, it will necessitate some form of co-payment and some method of bringing in extra resources from the population. I said on Second Reading that my preference would be a hypothecated inheritance tax, and I shall continue to reiterate that until somebody takes the idea seriously. Whether we use that solution or some other insurance-based solution, a solution will have to be found. We must find a solution to how we can get local councils to assess people's care to ensure that packages are portable and to agree on how they will be funded so that they are funded to the same level around the country. That will have major implications for localism and the role of local authorities in the future.

These are huge issues that will have to be addressed—and addressed they must be—but this Bill is nevertheless a valuable contribution to that process. It will radically transform the lives of that group of people with high levels of care needs who want to stay in their own homes. For that reason, this Bill is absolutely worthy of the House's support, but only with the caveat that we should all commit ourselves to taking the next step as soon as possible.

9.28 pm

Norman Lamb: It is a pleasure to follow the hon. Member for South Thanet (Dr. Ladyman). I absolutely agree with his last point: we must all commit ourselves to finding a sustainable, long-term solution that meets the needs of all those with care needs and not just the small group whom this Bill addresses.

Let me start by making it clear that there are two other points on which we all agree. I am sure that we all agree on the absolute importance of the idea that any reform should facilitate people's remaining in their own homes for as long as they can. For the group of people who will benefit from the Bill, that will clearly be the case. We must ensure that that principle is at the heart of the final reform that we achieve.

The second absolutely important principle, which this Bill addresses, is the value of reablement. The Bill recognises that at present we do not do reablement well enough. There are patches of good practice around the country where authorities have been able to demonstrate the enormous potential savings and, more importantly, the dramatic improvement in people's lives of committing properly to reablement. However, in too many parts of the country reablement is not provided well enough. At its best, the Bill provides an incentive to the system to ensure that reablement takes place. That is a good thing.

Following the debates today and on Second Reading we still have three core concerns, the first of which is affordability and sustainability, particularly given the trend towards an ageing population. We used to be attacked by the Government for our previous commitment to free personal care. Two years ago, we removed that commitment. I took a paper through our party conference, because I reached the conclusion that one could not, in reality, argue the case for free personal care given the demographic changes that we are witnessing. The Green Paper recognises that point, but the Bill shifts in that direction. That causes me real concern, because the cost of the duty to provide free care to the relevant group of people will keep rising.

The Government have set a cap on the amount that they will contribute, so the other potentially pernicious impact is that if the rest of the funding has to come from local authorities as the numbers continue to increase, something else will have to give. My fear is that, owing to this duty, other vulnerable people who benefit from care from local authorities on a discretionary basis will end up losing their care, or part of it. If the demand is higher than the impact assessment has concluded, the impact will again be on local authorities here and now, and the potential consequences could be very damaging.

Our second core concern is that the proposal is a partial solution. I think that everyone recognises that. The Government's case is that it is a bridge to reform, but as long as it remains the only reform to have happened, and until we have more comprehensive reform, it will have perverse consequences. As the right hon. Member for Charnwood (Mr. Dorrell) has made very clear, it will provide an incentive for local authorities to push people into care homes. That is not a good thing, because it will change behaviour and will benefit one group of people but not another. Another perverse incentive was mentioned on Second Reading by the hon. Member for South Thanet—it will provide a disincentive to people who are considering insuring to protect themselves in old age.

Another danger, or consequence, of the fact that the proposal is a partial solution is the inherent unfairness in the Bill. Why should we choose to support and provide free care to one group of people—those with critical need who are cared for at home—but not another group who, through no fault of their own, end up having to have their critical needs met in care homes because they simply cannot be cared for at home? That is perverse. Why should one group benefit and not another? The Government have provided no answer to that.

Our third core concern is whether what is proposed would be the most effective use of public funds. The Green Paper strongly makes the case that in any reform we have a duty to ensure that we use public funds to the best possible effect to achieve the best outcome for all those who have care needs, but the Bill does not do that. The impact assessment confirms specifically that the group of elderly people who would benefit most from the proposal would be the wealthiest.

The Secretary of State for Health (Andy Burnham) *indicated dissent.*

Norman Lamb: The Secretary of State shakes his head, but the impact assessment makes that clear. At paragraph 5.21, it states:

> "The recipients of free personal care are believed to fall into the bottom, 2nd and 3rd quintiles because even the wealthiest older people (who represent the main beneficiary group) are in the middle of the income distribution of society at large."

In other words, the wealthiest elderly people are not the wealthiest people in society, but they are the main beneficiaries of the Bill. I find it bizarre that a Labour Government should choose to use available public funds to benefit most the wealthiest older people, given that there are many others with acute care needs. The conclusion must be that that is not the best use of available public funds.

I am also concerned that the Bill has been oversold by the Government. The Minister again quoted a figure of 400,000 for the total number of people to benefit from free care, and that of course includes those who would benefit from reablement. However, when one looks at the number of new recipients of free care at home, the real figure is 110,000. The Government do not use that figure at all in their pronouncements.

The Government say that the Bill protects the care of those currently receiving free care, but it is hard to envisage circumstances in which those in critical need who are benefiting from care on a means-tested basis would lose that care. Therefore, it is somewhat disingenuous to argue that there is some great benefit for that group. The new recipients of free care will total just 110,000. As the hon. Member for South Thanet made clear, that is a relatively small group, compared with the total number of people with care needs who will have to be supported in any final reform of the system.

Finally, I find that it strains the use of language to describe this Bill as a bridge to reform. As a sceptic, the hon. Member for South Thanet made the best possible case for supporting the Bill but, whatever happens to it, we must all be committed to a more fundamental reform of the system. I think that we are all agreed on that.

I want to repeat the case that I made on Second Reading. In this pre-election period, there is a real and overwhelming need for all parties to put aside their differences and to join in a process charged specifically

[Norman Lamb]

with building and achieving consensus on this matter. I know that that would be supported massively by those groups outside Parliament who represent people with real care needs. Such a consensus would have the benefit of facilitating reform in the next Parliament, and it would also put pressure on whoever wins the next election to ensure that reform takes place.

The hon. Member for South Thanet is absolutely right to say that the urgency of completing the reform process is overwhelming. We must not allow this Bill to delay that.

9.38 pm

Mr. Tom Clarke: I think that I have listened to every speech and contribution made today, and I have found them extremely stimulating. Far from objecting to the Committee stage being taken on the Floor of this House, I take the view that we ought to do this much more often. I do not think that it takes away from the scrutiny performed in Committee upstairs, but I believe that people might get involved in what we do here to a greater extent if we had more of the transparency to which this Bill has been subjected today.

I welcome the Bill, and I also welcome the contributions made by the Minister of State, my hon. Friend the Member for Corby (Phil Hope). A few harsh things have been said about him, but I have many relatives in the steel industry down in his area and they will be supporting him. They do not say that he does not distinguish his post, because he so clearly does. I am sure that they are proud to have him as their Member of Parliament.

Briefly, I should like to thank the House for the involvement of people with learning disabilities. For all those who will benefit because they need personal care at home, the Bill is progressive, meaningful and welcome.

Although we heard threats about what might happen in another place, I hope that people such as Lord Morris and Lord Ashley and many others there will recognise the progressive nature of the Bill and will see that the Government and many organisations have welcomed the provisions. I believe that they will welcome the fact that at this stage in our Parliament we have given such prominence to something so profoundly important. I hope that that will be a beacon and a signal of the relevance that we give these matters in the next Parliament, when I expect to be speaking from the same spot.

9.40 pm

Mr. Dorrell: I begin a brief speech by congratulating the Minister on the way that he dealt with the Bill. He put the best gloss possible on it, as I have not the slightest doubt that the Bill was generated in No. 10 Downing street and imposed on his Department against its advice. I have been there, so I congratulate him on presenting a defence of what is, in policy terms, an indefensible measure.

I shall go through the three key arguments, which are in many ways similar to those set out by the hon. Member for North Norfolk (Norman Lamb), to which I do not believe the Minister responded adequately during the debate, despite his polished performance. The first is the argument about the convention on human rights. The policy justification that the Government have offered for the Bill does not stack up as a defence against the concern that they made explicit in the explanatory memorandum to the Bill. There remains a set of unanswered questions about the Bill.

My second set of concerns relate to the policy implications of the introduction of the group of people who will benefit from free social care. The Minister rightly said in his presentation that we should not let the best be the enemy of the good, that we must allow for incremental change and so on. I entirely agree with him about that, but it does not absolve the Government from the need to think about the policy implications of what they do today when projected forward to tomorrow.

Last July the Government said clearly that we could not afford a solution on personal care that landed the cost on the taxpayer. That is in the Green Paper in a rather convoluted form, and the Minister confirmed today that that remains the Government's view, yet as a consequence of the Bill, a group of people is created in the middle of the social care requirement for whom that outcome is what the Government are now seeking to legislate—tax-funded free social care—not, as the Minister said several times in loose wording, for the most vulnerable, but for the second most vulnerable group.

The most vulnerable are those with critical care needs, who need residential care. Those are still subject to means-testing under the Government's intended solution. Below them in the hierarchy of need is the group that has been identified by the Prime Minister as the people who should benefit from free social care. Then there is the whole of the rest of the social care group. It is a golden rule of policy that if a group of people is created in the middle of a much larger group, all of whom benefit from broadly the same type of care with constantly changing requirements, the result is a change in behaviour.

What the Government have done is create a group of people—a very small group, when seen in the context of all those who benefit from social care—to whom they have offered the promise of free social care, which is precisely the policy solution that the Government, quite rightly in my view, ruled out in their Green Paper. By doing that, if the Bill reaches the statute book and is actioned next October, they will have created a huge policy problem for the evolution of social care policy in a way that is consistent with the principles rightly set out in the Green Paper last summer.

Andy Burnham: I am listening carefully to the right hon. Gentleman and I have great respect for the work that he did as Secretary of State for Health. Does he acknowledge, however, that the group of people he is identifying, with whom the Bill deals, have already been paying for their care out of their own pockets as their condition has deteriorated over the years? For that reason, the Bill is consistent with the reforms in which individuals pay something towards their own care, but do not have to bear the whole cost, which can in some cases be catastrophically high, as we know. The right hon. Gentleman seems to have no appreciation that these are people who will already have paid out a large amount towards the cost of their own care.

Mr. Dorrell: Of course I have an appreciation of that, but I would like the Secretary of State to consider how he is going to explain to that same group of people who have paid out under the current regime that they will get free personal care when they are in their own home, but, as their care needs become more exaggerated and they have to go into residential care, they will have to start paying again. How is he going to explain that to them? That will be the consequence of the policy prescription that he is introducing.

I have three concerns about the Bill, as I have said. The first is the human rights implication. The second is the implication for broader social care delivery of the introduction of free care for this group of people. The third echoes the question raised by my hon. Friend the Member for Eddisbury (Mr. O'Brien) and the hon. Member for North Norfolk: where is the money coming from? The Government say that this will involve £500 million, but I do not believe that. I certainly do not believe that it will be £500 million when the behavioural impact has been taken into account.

At a time of huge competition for resources, the Department has been landed with bad policy by the Prime Minister, which will lead to resources being channelled to a particular group of people. Those people are very deserving—I do not deny that. I accept that they will benefit, and that they have contributed substantially to their care. They will suddenly receive that care free for as long as they do not need to be in residential care. Of course they will be significant beneficiaries, but seen in the context of the pressure on resources that the Government of this country—whoever they are—will have to address, over not just the next six to 12 months but the next five years, this seems to be bad policy which has been made on the hoof and will have all kinds of long-term negative consequences that have not been thought through. I entirely agree with the criticisms of the Bill that have been articulated by Lord Lipsey, and I rest my case on his presentation of the case.

9.48 pm

Laura Moffatt: I do not care where the Bill was born or who dreamt it up; I am just extremely glad that I have stuck with it, right from the early days of the consultation paper when I considered these matters with my constituents. My constituents do not care either; they are just very pleased that we are able to be here today, giving the Bill a Third Reading. They believe that this is the right thing to do.

It is easy to over-complicate the Bill. It is also easy to spend a whole day doing down its aims and objectives. We know, however, that it will benefit a significant number of people. Most of us—certainly those of us, on both sides of the House, who have taken a serious, forensic interest in the Bill from the word go—will completely understand that we would love to move straight to a national care system. Anyone who has worked in the care system, as I have, will know that that is our objective. I have to say, however, that the one true thing that the Bill does is send a clear signal to our constituents that this Government are very keen to ensure that people receive the care that they need, free at the point of use, with the reassurance that they will be able to live their lives out in their homes if that is what they want. And that is what they want.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)).

Health Care and Associated Professions

That the draft General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010, which was laid before this House on 18 November, be approved.—*(Mr. Blizzard.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

Taxes

That the draft Double Taxation Relief and International Tax Enforcement (Luxembourg) Order 2009, which was laid before this House on 23 November, be approved.—*(Mr. Blizzard.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

Taxes

That the draft Double Taxation Relief and International Tax Enforcement (Qatar) Order 2009, which was laid before this House on 23 November, be approved.—*(Mr. Blizzard.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

Taxes

That the draft Double Taxation Relief and International Tax Enforcement (Libya) Order 2009, which was laid before this House on 23 November, be approved.—*(Mr. Blizzard.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

International Development

That the draft Asian Development Bank (Further Payments to Capital Stock) Order 2009, which was laid before this House on 24 November, be approved.—*(Mr. Blizzard.)*

Question agreed to.

DELEGATED LEGISLATION

Ordered,

That the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009 (S.I., 2009, No. 1927), dated 16 July 2009, be referred to a Delegated Legislation Committee.—*(Mr. Blizzard.)*

BUSINESS OF THE HOUSE

Ordered,

That, at the sitting on Thursday 14 January, notwithstanding Standing Order No. 20 (Time for taking private business) the Private Business set down by the Chairman of Ways and Means may be entered upon at any hour, and may then be proceeded with, though opposed, for three hours, after which the Speaker shall interrupt the business.—*(Mr. Blizzard.)*

PETITION

New Ferry Butterfly Park

9.50 pm

Ben Chapman (Wirral, South) (Lab): The many residents of Wirral, South, and people beyond, have contacted me to express their concern for the future of the much-loved butterfly park in New Ferry, which is threatened with closure. Our community is united in support of this invaluable local asset, which is also used by groups across the wider region.

The petition states:

> The Petition of residents of Wirral South and others,
>
> Declares that the Petitioners object to the threatened closure of New Ferry Butterfly Park.
>
> The Petitioners therefore request that the House of Commons urges the Secretary of State for Environment, Food and Rural Affairs to encourage Wirral Council and others to do all they can to secure the retention of the Butterfly Park.
>
> And the Petitioners remain, etc.

[P000699]

Student Finance

Motion made, and Question proposed, That this House do now adjourn.—*(Mr. Blizzard.)*

9.51 pm

Mrs. Janet Dean (Burton) (Lab): I am grateful for the opportunity to raise what I believe is an unfair and, indeed, immoral situation regarding how we treat students who become seriously ill during their studies.

Students who develop a serious illness, such as cancer, are currently expected to use their student loans to support themselves during their period of illness and treatment. I believe that this is unfair. It is distressing enough for such young people and their families to have to fight serious life-threatening illness, such as cancer, without having the need to abandon their university courses. They need the hope and expectation of returning to their studies when they recover. They want to maintain their place at university, and yet if they suspend, rather than abandon their courses, they are deemed to have income from their student loans. Students are not entitled to claim benefits for 28 weeks, and even after that period, their student loan is taken into account when calculating their benefits. They are deemed to have their student loan even if they do not draw it down. Ultimately, if the treatment is successful and the student recovers to return to university to complete their course, they will have four years of student loan to repay for a three-year degree course. That cannot be right.

This important issue was raised with me in November 2007 by my constituent, Mr. Ian Leech, on behalf of his 20-year-old daughter, Melissa, who had been diagnosed in August of that year with non-Hodgkin's lymphoma. Melissa was a student at Aston university and had been due to begin her third year of studies in September 2007. Mr. Leech contacted me because Melissa's application for income support had been refused because she was treated as if she was merely taking a gap year from university.

The response from my hon. Friend the Member for Warwick and Leamington (Mr. Plaskitt), who was then Parliamentary Under-Secretary at the Department for Work and Pensions, explained as follows:

> "generally, full-time students are not entitled to benefit for the duration of their course, including the vacations. This is because primary financial support for students comes from the educational maintenance system, which is designed for their needs, unlike the social security system".

His reply went on to say:

> "However if a student is sick for more than 28 weeks, they may be entitled to Income Support and/or Housing Benefit as a disabled student, as long as they satisfy the incapacity test, of course, any income, including a student grant and loan, will be taken into account when calculating benefit entitlement."

He also explained:

> "If a person qualifies for DLA they are then classed as a disabled student which would give entitlement to Income Support as well as the Disability Premium".

I acknowledge that my hon. Friend was trying to be helpful, but of course unless someone is classified as terminally ill, there is a wait of three months for them to become eligible for disability living allowance.

I was most grateful for the meeting that I had with my hon. Friend, who recognised the problem and kindly wrote to Melissa in March 2008 saying that he was aware of other people with similar problems. He promised to have discussions about how the system could be improved and wrote to me in May 2008:

> "Officials are working on the detail of changing the deeming rules so that students who become seriously ill and have not drawn down their student loan are not penalised".

He added:

> "Assuming there are no major legal obstacles, we hope to implement a change to the regulations later this year".

Sadly, Melissa lost her great battle and died in May 2008 supported by her caring mother, father and sister. Ian Leech has carried on his fight on behalf of other students in a similar position, and I should like to pay tribute to him for all his work in raising awareness of the condition and for his continued campaign to see fairness for students such as Melissa. His efforts in highlighting the plight of those with non-Hodgkin's lymphoma have been recognised in each of the last two years by the Lymphoma Association.

Mr. Leech recognises that the problem of student support is complicated and that there are grey areas. In July 2008, he put forward suggestions for income support to become available for the term following the diagnosis of serious illness. For example, if someone was diagnosed in November they would use the rest of their student loan for that term until December and then be eligible for income support. Mr. Leech recognised that there were complications in relation to payment for student accommodation, which is paid in advance in some cases, and in relation to loans for tuition fees paid in advance in the autumn. However, it would be possible for a pro rata proportion to be refunded by the university to the Student Loans Company if someone's studies were suspended.

I recognise that it is important to distinguish students who have a few weeks away from their studies because of ill health from those who have to take a year off because of serious ill health and treatment. If students are sick for a short time they can catch up with their studies without any extra cost to themselves, whereas those taking a year to recover from illness need to repay at least an extra year of student loan. It should not be too difficult to establish a system that enables medical evidence to be used to distinguish those with short-term illness from those who need to suspend their studies for a year.

Unfortunately, the hoped-for changes that my hon. Friend the Member for Warwick and Leamington referred to in his letter to me in May 2008 have yet to be achieved. Some changes were made for students who abandon their course or are dismissed from it, but not for those who have to suspend it. Indeed, the changes made for those abandoning their course reflect the suggestions made by Mr. Leech. The Social Security (Students and Miscellaneous Amendments) Regulations 2008 mean that since August that year, when a student abandons or is dismissed from their course, the Department for Work and Pensions takes into account only the quarter that the loan is meant to cover—or if the loan is paid in two or more instalments in the quarter, the period of the quarter that the instalment is meant to cover—not the whole year.

In November 2008, I received a response from the new Minister at the Department for Work and Pensions, my hon. Friend the Member for Burnley (Kitty Ussher), reassuring me:

> "We believe that there is a strong case for changing the deemed income rule for students who have not drawn down their student funding, fall seriously ill and need to suspend their studies."

But she went on to say:

> "However, in the current economic climate, every new initiative is being scrutinised and so far it has not been possible to secure the necessary funding to implement the change. Officials will continue to press on with this, but I cannot promise an early resolution."

You will understand, Mr. Speaker, that both Ian Leech and myself were disappointed by that. After further correspondence with Ministers I was grateful that my right hon. Friend the Minister for Higher Education and Intellectual Property agreed to meet me, together with my hon. Friend the Member for Warwick and Leamington.

10 pm

Motion lapsed (Standing Order No. 9(3)).

Motion made and Question proposed, That this House do now adjourn.—(*Mr. Blizzard.*)

Mrs. Dean: After the meeting in March 2009, the Minister wrote to the Department for Work and Pensions in support of changes to the benefit rules for those who are absent from their course because of long-term illness, but who remain enrolled at their university so that they would not be classified as being in full-time education for benefit purposes.

In June 2009, better news came from the Treasury in a letter from the Chief Secretary to the Treasury, which said that

> "in current economic circumstances, all new policy changes need to be thoroughly scrutinised, and affordability must be assured, before any commitments can be made. I will, however, look carefully at the case for this change as part of the Pre-Budget Report."

This was confirmed to me in a letter from my hon. Friend the Work and Pensions Minister in August 2009 in which she says:

> "Treasury officials have said that they would be willing to consider implementing the change in the next Pre-Budget Report".

Sadly, changes were not announced in the pre-Budget report, even though I know that my hon. Friend the Minister pressed the Treasury for the funding to implement this much-needed change following our meeting early in November.

Students who become seriously ill are still suffering because the current system lets them down. As Mr. Leech said to me, a student should not be expected to have to endure a long-term illness and use money to live on that they then have to repay. As he says, that does not apply to the employed, the unemployed or the retired. Students are being singled out and persecuted. He also believes that the human rights of students with long-term illnesses are being violated because they are treated differently from other members of society.

Because of Ian Leech's campaign, students contacted him from around the country through the Lymphoma Association, and one such student, Blair Ward, wants her story told. Blair says:

> "Not only am I a student at the University of Central Lancashire, Preston, but I also work part-time as a cashier at Asda at weekends. When I was diagnosed, I didn't work enough hours at Asda to receive sick pay, so I contacted Macmillan who suggested I claim for Employment Allowance"—

I believe that she means employment support allowance. She continues:

> "I filled out all the relevant forms and obtained the supporting evidence, only to be rejected as a result of my still having a

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> position on my degree course and being classed as a full-time student, even though I wasn't able to attend university, as I was taking time out to receive treatment. Therefore I wasn't receiving any income from either Asda or the Student Loan Company.
>
> I appealed against this decision stating that I wasn't receiving any student finance and that I had had no income for over 9 months, but again I was unsuccessful. I had to use a huge amount of my savings to buy new clothes for the winter, spring and summer months, as a result of my gaining several stones in weight, which was due to the course of steroids I was put on as part of my treatment. I also had to pay for petrol and the general running costs of my car to get to the hospital appointments."

Thankfully Blair has now returned to university, but her experience describes how it can be more costly to be ill, with expenses such as travel and personal items, such as clothes.

Serious ill health is difficult to cope with at any age, but for young people and their families it is particularly tragic. It is bad enough coping with the stress of diagnosis and treatment without the added pressure of the unfairness of the benefits system for students. All Departments now accept that unfairness.

No one seems to know how many students have to suspend their studies because of serious illness; however, numbers are likely to be small. It is likely that the numbers who have to suspend their courses is less than those who abandon or are dismissed from their courses and have been helped by the Social Security (Students and Miscellaneous Amendments) Regulations 2008. The proposal from the DWP is that employment support allowance for students who suspend their studies because of serious ill health be treated in a similar way. I welcome that proposal and urge my hon. Friend the Minister to ensure that a way is found to achieve justice for students with serious illness. It would be immoral, unfair and unjust not to address the problem.

10.4 pm

Mr. James Plaskitt (Warwick and Leamington) (Lab): I congratulate my hon. Friend the Member for Burton (Mrs. Dean) on raising this issue and I thank her for allowing me an opportunity to make a brief speech. I appreciate the fact that she has persevered and persisted with the issue—she has spoken eloquently about it on a number of occasions, including tonight. I also acknowledge the contribution of Ian Leech, who has campaigned admirably and with great foresight.

As my hon. Friend said, she brought Melissa's case to me when I was responsible for this area of the benefits system in the Department for Work and Pensions. I initially took the official line, as Ministers invariably do, which she quoted. However, after she came to meet me to discuss Melissa's case in some detail, I came to the conclusion that the regulations were quite simply wrong and indefensible. That is how the process of trying to remedy and correct the situation began. Unfortunately, I left the DWP before the task was completed.

In my view, this has been a story of a completely justifiable reform repeatedly getting up to the last fence before for some reason falling. I hope that we do not have to persuade the Government that the reform needs to take place—the research has been done and the case has been made. It is simply a matter of having the will to get over that last fence to remedy this clear injustice, which I hope will happen before this Parliament ends.

When I had a go at trying to resolve the problem, it suffered a bit of ping-pong between the DWP and the education Department. There was an argument over who was going to pick up the tab, and for a while there was an argument over the numbers, but those are not critical issues and they can be resolved with continuing commitment from the two Departments.

I have three brief points to make before the Minister responds. First, I agree that the numbers are small. Therefore, the cost of making the adjustment that is required is also small. Will she commit to trying to determine the numbers? Universities UK probably has the information, but neither my hon. Friend the Member for Burton nor I have managed to flush it out. If the Minister undertook to make that inquiry, we could establish the numbers. In that way, we would be certain about the potential cost of the small change that is required.

Secondly, I do not believe that a solution is difficult to find. I hope that the pass the parcel between the two Departments comes to an end. All we need is to agree in regulations a specification of serious illness, which I do not think is too difficult to establish. We would then have to make the necessary regulatory alteration to allow students who have had to come off their courses because they have been diagnosed with such illnesses access to income support benefits. I am confident that that can be worked out.

Thirdly, I welcome the 2008 regulatory change, as does my hon. Friend the Member for Burton, but I think it odd to make that change, which was a concession within the benefits system for students who decided for some reason to leave their course, or who were ejected from their course, so that they could access the benefits system, yet not make the change for students who leave their course not through their own will, but because they have been diagnosed with a serious illness. They have been given no choice medically but to come off their course, yet we say that there is no benefit support for them. At the same time, we say that there is benefit support for someone who comes off their course for some arbitrary reason. That has made the situation still less defensible than it was before. The 2008 changes in the regulations were a wholly understandable reform, but they have had the slightly perverse effect of making the injustice we are talking about even more stark.

Let me conclude by saying that I wish that I had managed to get the problem sorted out. I have great admiration for the fact that my hon. Friend has persisted with her campaign. I have tried to help as she has gone along, but this is essentially an issue on which she has taken the lead, and in an admirable way. The problem is not difficult, and I think that the solution is obvious. We have got close to implementing it on two or three occasions. I hope that before this Parliament ends we will hear from the Minister that there is a commitment from the Department to getting what is a justifiable and urgent reform over the last hurdle and actually implementing it.

10.10 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Helen Goodman): I, too, would like to congratulate my hon. Friend the Member for Burton (Mrs. Dean) on securing the debate. Let me say how much I appreciate her concern and the effort that she has expended in taking up the issue, which stems from the particularly distressing case of Melissa Leech. As my hon. Friend said, Melissa's father Ian has also campaigned vigorously for students who suffer from severe illness that causes them to halt their studies. My hon. Friend outlined the details of Melissa's case and subsequent death, and made an eloquent case, which deserves the fullest understanding. She has also been persistent in pressing the issue of support for students who find themselves in such circumstances. I was also pleased to hear the perspective of my predecessor, my hon. Friend the Member for Warwick and Leamington (Mr. Plaskitt). I had not realised how long the discussion had been going on, so I was pleased to have his input into this debate.

Let me begin by explaining what financial support is currently available for students, including those who fall ill and are unable to continue their studies because of their illness. As hon. Members will know, the social security regulations were changed in 1990. The automatic entitlement of full-time students of 19 or over to jobseeker's allowance, income support and housing benefit was removed at that point. The Government believe that those who want to take the route of full-time study should become the responsibility of the education system and should therefore not normally be eligible for income-related benefits. That is to avoid duplication of financial support.

That policy happened to coincide with the introduction, by the then Department of Education and Science, of top-up loans for students and student access funds, which allow colleges to give discretionary payments in cases of hardship. More recently, the Government have introduced the maintenance grant and the special support grant, which are available to those who need help with accommodation and other living costs. They are grants, not loans, that have to be repaid. The special support grant is available to those who receive income support or housing benefit. The Government have concluded that the education system is best placed to provide the primary financial support needed for the entire period of a student's course of study. Such support is designed specifically to meet the needs of students, unlike the welfare system. However, in recognition of the fact that some students have expenses unconnected with their study, those in vulnerable groups retain an entitlement to benefits. They include student couples with children, lone parents, disabled students and people aged 60 or over.

When a student falls ill, they can be absent from their course for up to 60 days and remain eligible for student finance. If they need extra help, their university or college can make payments from its access to learning fund during that period. If a student is ill for more than 60 days, their local authority can choose to continue paying them student finance, as long as they remain enrolled on their course. However, they may be too ill to continue their course and may need to abandon it. When a student has to abandon their course and needs to apply for welfare benefits, we treat them just as we are required to treat any other person. We must take into account their financial resources and any resource that may be available to them. In the case of a student, that is usually a student loan, which is the main means of financial support for the majority of students. We take into account the period for which the loan has been made, which, as my hon. Friend the Member for Burton pointed out, is not the whole year, but the quarter during which the request for welfare help has been made. We introduced that change in August 2008 in order not to penalise those who had had to give up their courses. At the moment, this applies only if the student ceases to be a student; if they do not cease to be one, they are not under current rules able to claim benefits. This is what my hon. Friend wants to see changed.

My hon. Friend raised the issue of deeming income. We have a deeming rule for all customers who wish to access benefits. Let me explain why we need to deem available income when it might not have been taken up. Benefits are payable only when no other income is reasonably available, so there are strict rules covering the availability and use of income. For example, someone who has money but disposes of it may be disallowed from benefit because they are considered to have disposed of it in order to claim benefit. Similarly, someone able to obtain financial support from elsewhere but does not do so and then claims benefit may be disallowed because they have other resources available. Anyone who wishes to receive benefits must first show that they have taken up any available financial support. In the case of students, this will be the student loan.

I do appreciate that a student faced with the appalling knowledge of a possibly fatal illness may want to keep their status as a student in order to hold out some hope for the future. The difficulty at the moment is that there are clear rules covering students, the clearest being that full-time students are not entitled to benefit, including during the vacation period.

Let me turn to what we could do to improve the situation for students in these difficult circumstances. As a start, I feel we can go a long way to alleviating the problems for students who find themselves in such difficult circumstances by making sure, as far as we can, that they get the right advice at the right time. If students and those who advise them are better informed about the financial support available to them in a range of circumstances, students will be better placed to deal with the financial issues, should they fall seriously ill.

My officials have been working with their opposite numbers in the Department for Business, Innovation and Skills to improve guidance to universities so that students receive clear and consistent advice. They have also taken advice from the National Association of Student Money Advisers. I would stress the importance of students contacting their college advisers and their student union as soon as possible, and Jobcentre Plus if the student feels that they may be able to claim welfare support. There is a good deal of useful information for students on the Directgov website.

I appreciate that arrangements for supporting full-time higher education students can be far from clear and straightforward. For example, we make exceptions in the benefits system for certain groups that are considered to be vulnerable, whether they be students or not. Each of those exceptions brings its own particular circumstances that have to be taken into account. This inevitably adds to the complexity of the financial support system.

Particularly in the light of what has been said this evening, I think it is an appropriate time to consider whether there is any way that we can simplify and improve the transparency of the arrangements. I will

[Helen Goodman]

explore ways forward with BIS, education providers and student representative bodies.

I appreciate my hon. Friend's case for dropping the deeming principle in some cases, and I understand that additional costs to the Exchequer are not likely to be large, as such cases are few and far between.

Mrs. Dean: I am grateful to the Minister for saying that she is going to look at how we can move this forward, but does she accept that it is likely that there will be far fewer students who have to suspend because of illness than there will be those who give up or are dismissed from their courses, who can claim benefits more or less straight away? Does she see the unfairness? Does she accept that students who want that hope of going back to a course—indeed, in most cases, they probably do—should not have to give it up, but should be able to suspend it for a year?

Helen Goodman: I do understand the unfairness to which my hon. Friend refers. I was about to say that the number of cases like this are so small that we probably do not need to explore in great detail how many there actually are. I do not think that the cost to the Exchequer would be a significant barrier to securing the change.

I want to make positive progress without complicating the system. If a change to the current deeming provision is to work properly, we must have a clear understanding of which types of illness—mental or physical—genuinely prevent someone from continuing their studies for a period of time, and we must be able to define those circumstances clearly so that both our customers and our benefits advisers understand the regulations.

I will ask my officials to speak to our medical colleagues and lawyers, and to seek their help in setting out clear criteria for an easement of the rules. We will also ensure that the representative student bodies and university authorities have an input, and will use the time available to us to spread awareness of the issues as widely as possible. I want to be sure that if we make a change we get it absolutely right, and avoid in future the kind of distress caused in Melissa Leech's case.

Question put and agreed to.

10.21 pm

House adjourned.

House of Commons

Wednesday 13 January 2010

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

LONDON LOCAL AUTHORITIES BILL [*LORDS*] *(BY ORDER)*

Motion made, That the Bill be read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Wednesday 20 January.

Oral Answers to Questions

SCOTLAND

The Secretary of State was asked—

Armed Forces (Morale)

1. **Bob Spink** (Castle Point) (Ind): What recent discussions he has had with the Secretary of State for Defence on the morale of members of the armed forces based in Scotland returning from active service. [309549]

The Secretary of State for Scotland (Mr. Jim Murphy): Good morning, Mr. Speaker. The men and women of our armed forces are remarkable people and I have regular conversations with ministerial colleagues about support for our armed forces and their families.

Bob Spink: I thank the Secretary of State for that response, with which I totally agree, and for his good work in Scotland. Does he agree that people in Scotland want to see our returning heroes—and particularly those with families—treated with dignity? That means that they should be given priority in housing and should not be made homeless, which is what happens at the moment in Castle Point.

Mr. Murphy: I agree with the sentiment behind the hon. Gentleman's question. Although I do not know the details, I am sure that he understands that when it comes to situations such as that in Castle Point, whether they arise north or south of the border, we need to handle our returning heroes with great care and sensitivity, including when it comes to issues relating to housing. Local connections to local areas should be properly taken into account, and if that is not happening in Castle Point, I think that most of the hon. Gentleman's constituents would consider that to be shabby.

Michael Connarty (Linlithgow and East Falkirk) (Lab): Will my right hon. Friend raise the question of psychological and psychiatric services in particular, because cases that have come to me recently have highlighted serious deficiencies? Although I commend the work of Combat Stress in Hollybush House in the constituency of my hon. Friend the Member for Ayr, Carrick and Cumnock (Sandra Osborne), it is a voluntary charitable organisation that is taking up much of the strain that is sadly not being taken up by the psychiatric services offered to our troops on their return from combat.

Mr. Murphy: My hon. Friend is right to talk about the need for continuing support as people prepare to return from theatre and at the point at which they arrive. I had the great honour of meeting some of our soldiers as they returned from theatre in Afghanistan and they talked about the need for continued and ongoing support. That includes support not just with housing but with dental care and health care, including mental health treatment, both in-patient and out-patient. I know that my right hon. Friend the Secretary of State for Defence and the veterans Minister have considered this matter very carefully and if my hon. Friend has any specific suggestions about how the situation could be improved, I am sure that they will listen with great care.

Sir Menzies Campbell (North-East Fife) (LD): Does the Secretary of State understand the contribution that is made to morale by the knowledge that outstanding medical services are available in Selly Oak hospital and, of course, at the rehabilitation centre at Headley Court? If he has not yet visited either the hospital or the rehabilitation centre, may I urge him to do so? He will see at first hand the courage of the patients and the skill of the staff.

Mr. Murphy: The right hon. and learned Gentleman is absolutely right about the remarkable dedication of the staff, of which we have all heard. I have not yet had the honour of visiting; I do not know whether that was an invitation—it was an invitation by proxy, I think—but I would happily accept it. We all know by repute of the remarkable conviction of those men and women who care for our heroes on their return, which is why we have increased the investment in those medical facilities. We are determined to do more whenever we possibly can.

Mr. Ben Wallace (Lancaster and Wyre) (Con): Good morning, Mr. Speaker. Many veterans returning from active service suffer from mental problems and, unfortunately, some of them end up in custody. Recently, the Ministry of Justice and the Ministry of Defence have started a process of identifying veterans in custody in England and Wales in order to ensure that they are matched with the appropriate support agency, such as the Royal British Legion and Combat Stress. Given that prisons are a devolved issue but defence and looking after veterans are not, will the Secretary of State seek to use his offices to ensure that the Scottish Government play their part in trying to ensure that our veterans in custody are looked after and given the support that they deserve?

Mr. Murphy: The hon. Gentleman served with distinction in the armed forces, in the Scots Guards, so he will know that it is always important that we should look to see what more we can do. That is why we have specific programmes to help those ex-servicemen and women who are unemployed and it is also why we are developing Ministry of Defence and Ministry of Justice-specific programmes to help those who are coming out of prison. If there is a gap—I do not want to make that assertion—and if there are lessons to be learned north and south of the border, I will happily convene conversations and meetings between the Royal British Legion north and south of the border, ourselves and Scottish Government officials to ensure that we can learn lessons from one another and to ensure that those ex-service personnel who have unfortunately found themselves in prison get the proper support to which they are entitled.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): Will the Secretary of State join me in commending the work of the Royal British Legion Scotland, the Army Benevolent Fund in Scotland, Poppyscotland and others for the work that they do in supporting those who have served our country in the armed forces? Those organisations bring to our attention time and again the fact that many ex-servicemen fall through the net in Scotland. Will the Secretary of State, using his offices as a clearing house for communications between the Governments here and in Edinburgh, see whether he can do more to ensure that that situation improves?

Mr. Murphy: In the spirit of the hon. Gentleman's suggestion, I am happy to do whatever I can to assist. He is absolutely right about the work of the British Legion and of other charities across Scotland and the UK. There is enormous public affection in Scotland and across the UK, and immeasurable public respect, for our heroic men and women returning from this and previous wars, and public collections on Remembrance day continue to grow the further we get from the second world war. However, it is incumbent on us all to bear in mind that remembrance is not a one-day event, but an every-day-of-the-year event, and I am happy to see what can be done to take up his suggestion.

Mr. Carmichael: In that spirit, may I bring to the attention of the Secretary of State the fact that my hon. Friend the Member for Berwickshire, Roxburgh and Selkirk (Mr. Moore) will introduce a Bill later today to establish a veterans covenant similar to the military covenant for serving members of the armed forces? Will the Secretary of State undertake to argue the case in Government for my hon. Friend's Bill to be given time, so that a proposal on which there is a clear consensus can become law?

Mr. Murphy: We will, of course, consider the detail of the Bill introduced by the hon. Member for Berwickshire, Roxburgh and Selkirk. The sentiment behind the comments of the hon. Member for Orkney and Shetland (Mr. Carmichael) is correct. This is about trying to find additional ways of supporting men and women returning from war, whether they are injured or have returned safe and well. It is not just about that, however; it is also about supporting the extended service families—the husbands of the women who serve, the wives and girlfriends of the men who serve, and their children—which is why we are looking at making commitments on matters such as the provision of housing, health and dental care, and support for children of those in the armed services with special educational needs. We are doing a huge amount, but I am sure that we could do more.

Angus Robertson (Moray) (SNP): The Royal United Services Institute today said that there is likely to be a 20 per cent. cut in service personnel in the years ahead. That would mean fewer service personnel in Scotland than in the Irish Republic. Is that good for morale, given that there have been more than 10,000 defence job cuts in Scotland since Labour came to power and a defence underspend of more than £4.3 billion in recent years?

Mr. Murphy: There are currently 12,000 members of, and 6,000 civilians working in, the armed forces in Scotland. I do not agree with today's assessment on the percentage reductions in the armed forces, but what is absolutely clear is that were the hon. Gentleman's party in power and were it to have its way and have Scotland separated from the United Kingdom, there would be a 100 per cent. cut in the armed forces, because there would be no Royal Navy, no Royal Air Force, no British Army and no shipbuilding for aircraft carriers on the Clyde. We have enormous respect for our armed forces, north and south of the border, and we laugh with contempt at his ludicrous arguments.

Cross-Border Transport

2. **Jo Swinson** (East Dunbartonshire) (LD): What recent discussions he has had with Scottish Executive Ministers on the resilience of cross-border transport links to extreme weather conditions. [309550]

The Secretary of State for Scotland (Mr. Jim Murphy): The Department for Transport and the devolved Administrations, including the Scottish Government, have been regularly monitoring salt supplies and stock levels across Great Britain with the help of agencies, local authorities and companies that supply salt. There has been very good co-operation across the UK.

Jo Swinson: I thank the Secretary of State for that reply. However, airport closures, train delays and hazardous driving conditions made it very difficult for Scots travelling to see friends and family over Christmas and returning to work in the new year. There is particular concern about salt supplies, with the Scottish Government saying that the stocks are steady and well managed, but local authorities crying that they do not have enough. Does he think that Scotland has learned the lessons well enough from England's big freeze last February?

Mr. Murphy: Remarkable efforts have been made, again north and south of the border, by gritters, by all those involved in the emergency services and home help, and others to keep Scotland moving, and largely that has met with some success. However, there are lessons to learn. Some local authorities have not had enough supplies, and early in the deep freeze, there was not enough co-ordination or co-operation. We can learn lessons from what has happened during this cold spell in Scotland.

Gordon Banks (Ochil and South Perthshire) (Lab): On the issue of extreme weather, may I offer my thanks to the Government for the introduction of a new weather monitoring station for cold weather payments in Strathallan in my constituency? Will my right hon. Friend the Secretary of State urge on his ministerial colleagues the need for even more local monitoring stations so that those payments can be made appropriately to the people who need them?

Mr. Murphy: My hon. Friend raises an important point about the improvements that we have made to monitoring stations. I can confirm to the House that in Scotland cold weather payments have accounted for £39 million of additional support across Scotland, helping 400,000 Scots who otherwise would find it difficult to heat their homes and cook their food during the deep freeze experienced there.

Mr. Tom Harris (Glasgow, South) (Lab): Will my right hon. Friend join me in paying tribute to the staff of cross-border rail services, particularly on the west coast main line, who kept the trains running even when every other form of transport had ground to a halt and who managed to provide information and care to passengers whose journeys were inevitably delayed?

Mr. Murphy: I visited my hon. Friend's constituency over the weekend to see how local people were coping with the deep freeze. As a former transport Minister, he has enormous experience of rail services. He also has a detailed knowledge of the huge efforts made to keep the west coast main line fully operational and on time. Difficulties were experienced in other parts of Scotland—train services between Glasgow and Edinburgh were disrupted, as were many other services, but remarkable efforts were made to keep that line open. I pay tribute to the way in which the company workers stayed longer and worked harder to maintain the tracks, making a huge commitment to keep Scotland moving.

Employment (Ayrshire)

3. **Mr. Brian H. Donohoe** (Central Ayrshire) (Lab): When he next expects to visit Ayrshire to discuss levels of employment in the area. [309551]

The Parliamentary Under-Secretary of State for Scotland (Ann McKechin): Good morning, Mr. Speaker. I visited a number of organisations in Ayrshire last week, including the coalfield community transport initiative, where I met people who are now in work thanks to the future jobs fund.

Mr. Donohoe: I am grateful that my hon. Friend has made time to come to Ayrshire. However, she may not recall that in 1997 one of her predecessors, Brian Wilson, the Minister at the time, set up a taskforce because of high unemployment in the Prestwick area. The taskforce has proved to be highly successful. I wonder whether she can arrange a meeting between herself and Ayrshire Members of Parliament, along with Scottish Executive Ministers.

Ann McKechin: I thank my hon. Friend for his question. Following the national jobs summit, which was successfully held in Glasgow on Monday and at which more than 120 delegates were present, I can confirm that I shall be pleased to hold a similar, local summit in the Ayrshire area. I am also pleased to note the good work that has been done by local authorities and the voluntary sector in Ayrshire. To date, that work has created almost 500 jobs, from the future jobs fund, for young unemployed people. That is a magnificent contribution to overcoming the problem affecting every community in Scotland.

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): I am sure that the Minister's summit will be welcome, but in Ayrshire alone a further 3,419 people have been forced on to the dole in the past 12 months. Can the Minister tell all those people, as well as the hundreds of thousands of other jobseekers in Scotland, where exactly they will find the signs that Scotland is coming out of recession that the Secretary of State claimed were there on Monday? He claims that those signs exist, but is it not the case that the evidence in Ayrshire and elsewhere in Scotland simply does not back him up?

Ann McKechin: There are clear indications from a number of independent experts that we are moving out of the recession, but we are certainly not complacent. We are well aware that there are hot spots of unemployment—in Ayrshire and Lanarkshire—but unlike in the 1980s and 1990s, when the hon. Gentleman's Government ignored those areas, we are determined to protect the most vulnerable. That is why we are investing £1.2 billion throughout the United Kingdom to help young people into work. It is also why we have changed the young person's guarantee, from 10 months to six months, so that we can get young people into paid work at the earliest moment, providing them with the opportunities to become well placed to get into the job market.

David Mundell: The Minister and the Secretary of State are good at talking the language of the 1980s, but sadly not so good at dealing with the issues of the present. On the very day that the Secretary of State claimed that there were signs that Scotland was emerging from the recession, the latest purchasing managers index showed that manufacturing was still contracting and that the flow of new orders in Scotland was considerably weaker than elsewhere in the UK. The Minister and the Secretary of State refer to the future jobs fund, which has brought some benefits, but is it not the case that the fund is increasingly focused on public sector employment, rather than on our hard-pressed private sector? So other than warm words—

Mr. Speaker: Order. I think we have got it.

Ann McKechin: Today there are 250,000 more people in work in Scotland than in 1997. That shows the credit of our policies, under which we do not allow people to be left behind. We are strongly committed to maintaining our support for the most vulnerable in our community. That is why the future jobs fund will be creating 15,000 jobs in Scotland and why we have managed to assist thousands of people in the past year in getting back into work if they have faced the prospect of redundancy. We are certainly not complacent, unlike the previous Government, as their record shows.

Scottish Culture

5. **Mr. Andrew Pelling** (Croydon, Central) (Ind): If he will hold discussions with ministerial colleagues to develop policy on promotion of Scottish culture throughout the UK. [309553]

The Secretary of State for Scotland (Mr. Jim Murphy): Scotland's culture is known throughout the UK and beyond. There are now more Burns suppers in England than in Scotland. As a fiercely patriotic Scot, I take every opportunity to promote Scottish culture with my ministerial colleagues.

Mr. Pelling: The Secretary of State is an excellent representative for Scotland. Would cultural interchange be further encouraged by promoting the good idea of having both Celtic and Glasgow Rangers playing in the English leagues?

Mr. Murphy: I would have to declare an interest before responding to that question, as I am a part-time follower of one of those teams. I will leave it to the House to guess which one. Of course, that is a decision for the football authorities and the football clubs. What would enhance cross-border cultural exchange is a return of the Scotland versus England friendly football matches. I think that the home internationals will return shortly, with Ireland replacing England, and that there is now a commitment to a return of the Scotland versus England football matches. I have spoken to the Scottish Football Association about that. There was an agreement to have such an arrangement in 2008, but Scotland withdrew from it. Having grown up around memories of the Wembley Wizards of 1928 and 1967, Kenny Dalglish's great goals at Wembley and occasional England victories at Hampden, I think that it would be a remarkable sporting event and a highlight in the football calendar, so I say, "Bring it on."

Mrs. Anne McGuire (Stirling) (Lab): Does my right hon. Friend share my hope that the BBC Trust will respond positively to the current consultation about putting MG ALBA, the Gaelic television station, on to Freeview? That would allow the benefits of that station to be appreciated and its quality output to be seen by a wider audience not only in Scotland, but across the UK.

Mr. Murphy: Despite the comments of all the doomsayers and those who are culturally ignorant, MG ALBA is a fantastic success, which has exceeded its ambitions regarding its share of audience. It is a young and growing medium that deserves and is entitled to our continued support. If it were available to a wider group of viewers across the UK, on different platforms, that would be a real boon. I will do everything I can to make that happen, but the BBC Trust certainly has a responsibility to help to make it happen.

Mr. Jim McGovern (Dundee, West) (Lab): The Secretary of State has spent a great deal of time in my constituency, and I am grateful for that. Is he aware of the proposal to locate an offshoot of the Victoria and Albert Museum in Dundee, and will he join me in supporting that venture? Will he agree to meet me to see how Westminster can help us to locate the V and A in Dundee?

Mr. Murphy: My hon. Friend is a doughty fighter for Dundee. He pestered the Government until we agreed to give additional money for the games industry at the university of Abertay, and it is his victory that that money is in place.

The V and A proposal is a devolved issue, but I believe that there is a need for about £15 million of Scottish Government investment, and I urge them to find the money for that fantastic project, so that people across the world have additional reasons to visit the great city of Dundee.

Cross-Border Transport

6. **John Barrett** (Edinburgh, West) (LD): What recent discussions he has had with the Secretary of State for Transport on the economic benefits to Scotland of proposed high-speed cross-border rail links. [309554]

The Secretary of State for Scotland (Mr. Jim Murphy): I met the Secretary of State for Transport to discuss the high-speed rail link on 5 November, when he visited Glasgow, North-East.

John Barrett: There is now growing agreement in all parties that the high-speed rail network must serve central Scotland. Does the Secretary of State agree that both Edinburgh and Glasgow must be on that network and that both those cities should work together to that end?

Mr. Murphy: The high-speed rail network could be an enormous investment and make enormous improvements to our infrastructure across the country. Initially, it will run from London to the midlands, but there is a commitment from the Government to try to go further. If we can get that rail link to Scotland, it is important that it should serve two of Scotland's great cities, Glasgow and Edinburgh, and there is a commitment to help to make that happen. We are determined to make that investment, working with the company.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): As well as providing faster rail services from Scotland to London, the high-speed rail network will also offer the opportunity to have faster direct and indirect services to the continent of Europe. Will the Secretary of State do what he can to ensure that opportunities for travel not just to London, but to the continent, are also maximised in the plans for the high-speed rail network when it is developed north of London?

Mr. Murphy: As I said before, initially, the commitment is to a service from London to the midlands and then to go beyond that to Scotland into Glasgow and Edinburgh. It is important to make that investment in those hundreds of miles of rail track to help to make it happen. Such transport connections between Glasgow and London are crucial, which is why it is important that the Scottish Government should reinstate the Glasgow airport link—just those seven miles from Glasgow city centre to Glasgow airport. I find it ridiculous that people can go to Glasgow, Central station and get a train to Manchester airport, but not to Glasgow airport.

New Deal

7. **Willie Rennie** (Dunfermline and West Fife) (LD): What recent discussions he has had with the Secretary of State for Work and Pensions on the operation in Scotland of the payment for results system for the New Deal. [309555]

The Parliamentary Under-Secretary of State for Scotland (Ann McKechin): My right hon. Friend is in regular contact with the Secretary of State for Work and Pensions on a range of issues.

Willie Rennie: New deal training organisations face the prospect of their income plummeting because they only receive full payment when their clients find a job. In the current climate, when it is harder to find jobs, their income has already plummeted, threatening the services offered. Will the Minister investigate the implementation of the flexibility that the Department for Work and Pensions promised, because in the current climate it is simply not working?

Ann McKechin: I am happy to take up any particular concerns that the hon. Gentleman may wish to bring to my attention, but I can assure him that we are keeping the flexible new deal under review. The whole point of it is to move people into sustainable, long-term and permanent employment, which is why we think that it is important that a payment-by-results scheme is appropriate.

Fuel Poverty

8. **Danny Alexander** (Inverness, Nairn, Badenoch and Strathspey) (LD): What discussions he has had with the Scottish Executive on steps to assist households in Scotland in severe fuel poverty which are not connected to the mains gas grid. [309556]

The Parliamentary Under-Secretary of State for Scotland (Ann McKechin): My right hon. Friend and I have had no discussions with the Scottish Executive.

Danny Alexander: May I urge the Minister to rectify that? If people use heating oil to heat their homes, their fuel is likely to be more expensive so it costs more to pay the bills. Those people are more likely to be in fuel poverty and at the end of the queue to apply for measures to help insulate the home. Is not one of the lessons of this cold spell that help should be directed at the homes that need it most, which means that people who use heating oil should be at the front of the queue, and not at the back of it? *[Interruption.]*

Mr. Speaker: There are far too many private conversations taking place in the Chamber, which is very discourteous both to the Member asking the question and to the Minister answering it.

Ann McKechin: Thank you, Mr. Speaker.

This Government have done more than any other in recent history to do more about fuel poverty. In 2007 alone, the winter fuel payment took 200,000 households throughout the UK out of fuel poverty, and we are determined to tackle the problem even further through the new Energy Bill and take a further 100,000 pensioner households in Scotland out of poverty. We are certainly not complacent, although we see no irregularity in the non-oil—gas and electric—fuel market, which might otherwise cause us to consider regulation at this point. However, we will certainly keep these issues under review.

Mr. Mike Weir (Angus) (SNP): The Scottish house conditions survey shows that those who do not have access to mains gas are twice as likely to be in fuel poverty as those who do have such access. The Secretary of State mentioned earlier the importance of cold weather payments. Given the current situation, will the Minister press her ministerial colleagues to extend and increase those payments to other vulnerable groups?

Ann McKechin: The cold weather payments are triggered by the temperature and Scotland has, of course, benefited more than other parts of the UK because of its geographical location. It is this Government who increased the cold weather payment in September 2008 from £8.25 a week to £25 a week—an increase of over 300 per cent.—so I certainly do not think that there has been any complacency on the Government's part.

Youth Unemployment

9. **John Robertson** (Glasgow, North-West) (Lab): What assessment he has made of the effectiveness of policies to reduce the level of youth unemployment in Scotland. [309557]

The Secretary of State for Scotland (Mr. Jim Murphy): We are determined to help those of all ages who are out of work to get back into work. Since 1997, we have seen the number of 18 to 24-year-olds in Scotland claiming unemployment benefits for six months or more halved.

John Robertson: I thank my right hon. Friend and congratulate him on his answer. Is he as concerned as I am at the possibility that, because of the Scottish Executive's proposal to change the rules for the payment of education maintenance allowance, 7,000 young people will end up on the dole, as they will not receive their £10 or £20, given the new threshold of £30? Is that not a disgrace? What can my right hon. Friend do to help these young people?

Mr. Murphy: Many parents and grandparents across Scotland are worried about what their children and grandchildren will be doing when they leave school or university this year. We all have a responsibility to see what more we can do. My worry is that the Scottish National party Edinburgh Government seem to spend so much time trying to get Scotland out of Britain that they spend so little time trying to get Scotland out of the recession.

Employment

10. **John Howell** (Henley) (Con): What recent discussions he has had with ministerial colleagues on measures to promote employment in Scotland. [309558]

The Secretary of State for Scotland (Mr. Jim Murphy): I have regular discussions with ministerial colleagues about employment in Scotland, and I co-hosted Scotland's first ever jobs summit on Monday this week in Glasgow.

John Howell: What assurances can the Minister give about the quality and permanence of the jobs that he claims to be creating for young people in Scotland?

Mr. Murphy: First, there is a guarantee that those jobs are better than being on the dole—the option that the hon. Gentleman's party took throughout the 1980s when in government; and there are a quarter of a million more people in work throughout Scotland now than there were when we came to power. But of course, the genuine point behind the hon. Gentleman's question is about guaranteeing that those young people get meaningful employment, that the job turns into a career and that such people, when they themselves have children, have the finance and self-dependency to provide for them. We are determined to do all that we can.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): Despite the best efforts to promote employment in Scotland, my constituents and constituents in Glasgow will be severely hampered by the decision of Strathclyde Partnership for Transport to withdraw the Renfrew ferry. It has done so because it does not have any funding from the Scottish Government. Will my hon. Friend raise the matter with Scottish Government Ministers in order to reinstate the ferry service?

Mr. Murphy: My hon. Friend is always on the case, defending his constituency and promoting employment there. If the Renfrew ferry is another transport project that the SNP Edinburgh Government have cancelled in the west of Scotland, many people in the area will believe that the SNP just does not understand that part of our country.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [310396] **Bill Wiggin** (Leominster) (Con): If he will list his official engagements for Wednesday 13 January.

The Prime Minister (Mr. Gordon Brown): Before listing my engagements, I know that the whole House will wish to join me in paying tribute to Captain Daniel Read, from 11 Explosive Ordnance Disposal Regiment, Royal Logistic Corps. He died in Afghanistan on Monday, undertaking the dangerous work of protecting his fellow soldiers and civilians from explosive devices. The courage and selflessness of this work is truly breathtaking. His sacrifice will not be forgotten, and we send our sincere condolences to his family and friends.

I know that the whole House will wish to join me in paying tribute also to Rupert Hamer, who lost his life in Afghanistan while reporting from the front line, and to his colleague, who was injured. Our thoughts are also with their families, friends and colleagues. We are grateful to all those who put themselves in danger to ensure that the world is aware of the bravery of those serving in Afghanistan and the realities of life there.

Because of the devastating earthquake overnight, Haiti has moved to the centre of the world's thoughts and the world's compassion. The Government will respond with emergency aid, including firefighters, emergency equipment and finance, and give further support to help the people of Haiti to recover from that devastating event.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall have further such meetings later today.

Bill Wiggin: I am sure that the whole House will agree with the Prime Minister's statement of condolence.

Looking back, our economy entered the recession with one of the largest budget deficits of any first world economy. On reflection, does the Prime Minister regret that?

The Prime Minister: No, we had one of the lowest debts—the second-lowest debt—in the G7. Our debt was lower than that of America, lower than that of France and of Germany, lower than that of the euro area and lower than that of Japan and of Italy. It is because we had a low debt that we have been able to take the measures that are necessary to help companies to deal with the recession, to help the unemployed get work, to help young people who are leaving school and to help thousands of small businesses survive. We took the right action in the recession; the Opposition advised the wrong action.

Richard Burden (Birmingham, Northfield) (Lab): May I associate myself with the tribute that my right hon. Friend has paid to those who have lost their lives in Afghanistan?

Is my right hon. Friend aware that today marks the sixth anniversary of the death of Tom Hurndall, the British photographer who was shot by an Israeli sniper while trying to rescue children from danger in Gaza? Will he join me in paying tribute to the Hurndall family for their tireless efforts in cutting through so many smokescreens put forward by the Israeli military authorities, to get to the truth about Tom's death and uphold the principles of accountability? Will he agree that as an international community we have no less responsibility to uphold the principle of accountability for the 352 Palestinian children, whose names we will never know, who died last year—

Mr. Speaker: Order. I think that we have got the drift.

The Prime Minister: The situation in Gaza is serious. As I said last week, the only way forward and the only solution is a peace settlement between an Israel that needs security within its borders and a Palestine that needs to be a viable economic state. I have repeatedly urged the Israeli Government to improve access for humanitarian aid and workers. In addition to what I said last week, I should say that we have already spent more than £20 million on meeting urgent aid needs in Gaza. The Secretary of State for International Development announced a total package of £53 million for Palestine on 28 December, and that was with a particular focus on Gaza. We will meet the humanitarian needs of the Gaza people where we can. Access is important, but everybody knows that it is a political settlement that we need in that area.

Mr. David Cameron (Witney) (Con): May I join the Prime Minister in paying tribute to Captain Daniel Read from the Royal Logistic Corps, who died in Afghanistan serving our country? As the Prime Minister said, the work of bomb disposal experts is truly inspiring when we hear what they do to protect their comrades.

I also join the Prime Minister in sending our sincere condolences to the friends and family of Rupert Hamer. He and photographer Phil Coburn remind us of the bravery and professionalism of journalists who also put their lives at risk to ensure that they report on the work of our armed services overseas.

Finally, of course, I associate myself totally with the Prime Minister's words about the terrible events in Haiti, and send my support to those involved in the humanitarian effort. Obviously, we look forward to a full statement in the House by the Secretary of State for International Development when appropriate.

The whole country will wish to praise the work of the emergency services and how they have dealt with the unexpected long spell of cold weather. We have all seen and heard incredible stories about neighbour helping neighbour. Can the Prime Minister reassure the House that everything that can be done is being done to ensure that we have sufficient supplies of salt and that it is being properly distributed so that we can keep our country moving at this time?

The Prime Minister: I am grateful to the right hon. Gentleman for giving me a chance to tell the country the most updated situation on the transport network and the protection of our roads by salt. Virtually all main transport networks have remained operational throughout the period. For the work of our highway and other maintenance workers, and to those who are running the emergency services and the thousands of people who are volunteering—I pay tribute to organisations in areas around the country—the country remains deeply grateful. It shows that when there are difficulties, the country comes together as one to meet them.

Five airports in the south and midlands have been and will remain closed for a period this morning, but I believe that they will open later today. We are working with the Highways Agency, the devolved Administrations and representative local government to manage salt supplies. It is important that every road remains safe. It is also important that we have sustainable supplies of salt for what is the longest and worst period of bad weather for 30 years in this country.

As for salt, one of the salt producers has announced this morning that it will produce additional salt. We expect imports of salt in the next few days as a result of arrangements entered into weeks ago, and we are confident that, with the measures announced yesterday by the Transport Secretary, we will be able to maintain the road network. We are working closely with local authorities, and I hope that people will continue to be able to work together for the common good. It does prove that Britain works best when Britain works together.

Mr. Cameron: I am grateful to the Prime Minister for that answer. The pressure on supplies and the steps taken to ration salt in the last week clearly show that lessons can be learned for the future. Can he tell us what steps he will take to hold a review and to involve those in local government, to ensure that we learn those lessons?

The Prime Minister: The right hon. Gentleman is right to say that each time we have a winter weather problem we should learn lessons from it. Last winter, we set up the UK Roads Liaison Group, and it made three recommendations that we implemented—for local authorities to hold a six-day salt supply, for the Highways Agency to have a bigger reserve and for transport workers to be allowed to work longer hours to deliver the salt. It also recommended the creation of a Salt Cell to ensure a fair distribution of salt throughout the country. We will review all those arrangements after this winter period, but at the beginning of this difficult spell, the Highways Agency had 13 days of supplies, and we are now building on that with orders from abroad and additional production from UK mines. We are doing everything that we can, and the Department for Transport has made every effort to consult all local authorities.

Ms Dari Taylor (Stockton, South) (Lab): My right hon. Friend will know that today in Great Britain 80,000 children are living in care, 80 per cent. of whom will live in care until they are 16, not in a loving, stable family home. Is it not time that this House considered the lives of looked-after children again and considered that if a child is not living in a stable, loving home in the first 18 months of their life, adoption and long-term fostering must be their right in order to enter a loving, stable home?

The Prime Minister: This is a real challenge not only for all local authorities, but for all people. We must not only pay attention to the number of children in care, but make sure that those children have the chances that every other child has for educational attainment, for jobs and for stability in their lives as they leave care. In 2007, we published the White Paper "Care Matters" and we set out to transform the prospects of children and young people in care. We have made some progress with placement stability, there has been an increase in educational attainment and we have better outcomes for care leavers, but at the same time we must move faster to close the gap. That is why it is important to recognise that public expenditure has been necessary in this and it has doubled since 2000 on the needs of children in care. That is what we have tried to do to help those children.

Mr. Nick Clegg (Sheffield, Hallam) (LD): I want to add my own expressions of sympathy and condolence to the family and friends of Captain Daniel Read from the Royal Logistic Corps, who tragically lost his life serving in Afghanistan on Monday. I also want to add my expressions of sympathy and condolence to the family and friends of Rupert Hamer, the distinguished defence editor of the *Sunday Mirror* who died in an explosion on Saturday, and of course to the family and friends of his injured colleague, Philip Coburn.

As the Prime Minister said, as news is coming in of the terrible earthquake in Haiti, all our hearts go out to the many, many people who will be so terribly affected by that natural disaster. I am grateful for what he said about the Government's humanitarian response.

Given everything that has come to light in the Chilcot inquiry into the Iraq war, will the Prime Minister now do the decent thing and volunteer to give evidence to the inquiry before people decide how to vote on his record in government?

The Prime Minister: The Chilcot inquiry has drawn up a list of those people that it wishes to interview and has invited the people on the dates that it has done. I will follow the recommendations of the Chilcot committee. I have nothing to hide on this matter and I am happy to give evidence. Equally, at this time, I thought that the outcome of the debate in the House was that the Chilcot inquiry should decide when people were heard.

Mr. Clegg: The point is that this is not just a question for Sir John Chilcot; it is a question for the Prime Minister's own conscience. When the decisions were taken to launch this illegal war, he was not only in the room—he was the one who signed the cheques. He should insist on going to the inquiry now. People are entitled to know before they decide how to vote at the general election what his role was in this Government's most disastrous decision. What has he got to hide?

The Prime Minister: Nothing, and the right hon. Gentleman was the one who wanted Chilcot to make the decisions about whom he called. He cannot on one day say that Chilcot should decide and then say that he or someone else should decide what happens.

On the Iraq war, we have given every single document to the Iraq inquiry. We have given it the opportunity to look at every document and to ask for which documents it wants to be declassified. The only documents that will be withheld from publication are those that directly affect national security and international relations. This is a full inquiry being run by Sir John Chilcot. People are being interviewed, rightly so, and asked for their evidence, but it is for the Chilcot committee to decide how it proceeds—that is what the right hon. Gentleman proposed.

Early Intervention

Q2. [310397] **Mr. Graham Allen** (Nottingham, North) (Lab): What discussions he has had with hon. Members on an all-party approach to early intervention since 9 December 2009.

The Prime Minister: I have visited my hon. Friend's constituency to look at early intervention programmes, and I am very happy that cross-party discussions on these matters take place. Everybody knows the importance of early intervention to help young children.

Mr. Allen: There are also tremendous economic consequences of early intervention, and early intervention bonds, social impact equities and many other financial instruments raise money from the capital markets rather than from the taxpayer. Will the Prime Minister please encourage the Treasury to look at these imaginative and creative ways of raising money, so that we not only help individuals but find a long-term way of writing down the national debt, thereby reducing the burden on UK taxpayers?

The Prime Minister: I am grateful to my hon. Friend for raising the issue of social impact bonds. They are being looked at by the Justice Secretary at the moment. If the first 48 months of a child's life are more important than the next years because of what is learned or not learned, we have to do more to help children under five. That is why we introduced Sure Start and the child tax credit, and doubled the credit for children in their earliest years. It is also why we have given maternity and paternity leave. All these are important ways in which we can help young children in their earliest years, and I believe that there should be a cross-party consensus on keeping them; I hope that there will be.

Mr. Gary Streeter (South-West Devon) (Con): Given that the Home Affairs Select Committee heard powerful evidence yesterday that one of the primary causes of crime is poor parenting and dysfunctional families, what more can this Government do to bring forward effective policies on early intervention to ensure that fewer children stumble on to the conveyor belt of crime?

The Prime Minister: If I may do so, I refer to the proposal that we are putting forward and the family intervention programmes that I saw in the constituency of my hon. Friend the Member for Nottingham, North (Mr. Allen). Let us be honest: there are about 50,000 families in this country that lead such chaotic lives that we need to intervene and turn them round. We need to make a contract with them that a no-nonsense approach will be adopted by them and by us. That is what lies behind the family intervention programme. We are investing heavily in that, and in the parenting tuition that is necessary as part of it. I hope that the hon. Member for South-West Devon (Mr. Streeter) will agree that that is a way forward. That is a better expenditure of money to help the children he wants to help than a return to the married couples allowance.

Engagements

Q3. [310398] **Mr. Gordon Marsden** (Blackpool, South) (Lab): In the past 12 months, people in Blackpool have turned out in unprecedented numbers for Remembrance day and Armed Forces day ceremonies and to give a civic welcome to troops returning from Afghanistan. Blackpool has done that because people recognise the sacrifice being made by those who risk their lives daily. Will the Prime Minister confirm that the Government will continue their resolute action against any extremist group, wherever it comes from, that seeks to disrupt and dishonour that support?

The Prime Minister: I praise Blackpool for hosting the first Armed Forces Veterans day. I know that Blackpool has lost soldiers in Iraq and Afghanistan, and my hon. Friend is right to say that we must commemorate all those who have served and made sacrifices for our country. I share his views on extremists who use freedom of speech in our country to foster division and incite hatred and, in some cases, to incite people to kill. We have already strengthened our powers to allow us to prosecute them, and an organisation was proscribed yesterday as a result of our determination to do what is absolutely necessary through the legal process. This is also about standing up for our shared values and showing young people in Muslim communities in particular that we stand for values of justice, dignity and fairness. I believe that our Prevent strategy, which involves talking to people in their schools, churches, faith groups and mosques, is an important way of building inter-religious consensus and a belief that we can solve all our problems together.

Mr. David Cameron (Witney) (Con): After the events of last week, the Prime Minister told his colleagues that he would change the way he governs. Can he tell us how he will be different?

The Prime Minister: I think that I should start by saying that the right hon. Gentleman looks very different from the poster that we see out there. If you cannot get your photograph right, it is pretty difficult to get your policies right as well. Last week, we announced plans for digital Britain, plans to improve education in our community, and plans for 70,000 jobs in offshore power. We also announced our new growth strategy. This is the Government who are moving forward with policy. He can have his posters; we will have the policies.

Mr. Cameron: The Prime Minister asks about pictures. Why don't we do a bit of market research? When it comes to Labour Members' election addresses, hands up who is going to put the Prime Minister's picture on the front. Come on, hands up. *[Interruption.]* Four! There are six of them who do not want him in the Cabinet, and just four who are going to put his picture on their election addresses. He has been airbrushed out of the whole campaign.

Let us see if the Prime Minister has changed. Let us see if he is prepared to do something that he has never done before—listen to people, and admit his mistakes. My hon. Friend the Member for Leominster (Bill Wiggin) asked a very straight question. When Britain went into recession with one of the largest deficits in the industrialised world, that was because this Prime Minister thought he had abolished boom and bust. That claim was wrong, wasn't it?

The Prime Minister: As I keep telling the right hon. Gentleman, we went into the recession with one of the lowest debts in the G7, and the reason we had one of the lowest debts in the G7 is that we had taken action over the previous years to run down the debt that had been run up by the Conservative Government.

I think the country would prefer our policies to a person who has three policies on one day. The right hon. Gentleman needs three television election debates because he has three versions of the same policy to put forward in the debates.

Mr. Cameron: The Prime Minister talks about his policies. We now know what his own election co-ordinator thinks of his policies—yes, the Development Secretary. I do not know whether he is the chairman of the campaign or the co-ordinator of the campaign: the Prime Minister has three people co-ordinating his campaign.

This is what the Development Secretary said. He said that Labour

> "don't… have any policies. For God's sake, Harriet's helping write the manifesto!"

I must say that I think that is completely unfair. After all, the deputy leader of the Labour party took only five hours and 32 minutes to come out and support the Prime Minister, whereas the Secretary of State for International Development took six hours. [HON. MEMBERS: "Question!"] All right, here comes a question. Let us try something else to see if this Prime Minister has changed. Will he now admit the truth about spending cuts? He has stood there week after week and denied what everyone knows to be true: that there will be spending cuts. The Chancellor now says that those cuts will be the deepest for 20 years. Will the Prime Minister repeat those words?

The Prime Minister: The right hon. Gentleman is becoming even redder—much redder than he is in his photograph on the poster. I have to say that what you see is clearly not what you get.

I have to say this to the right hon. Gentleman as well. I wish that he could talk about policy. We are coming out of the most difficult recession that countries have faced. Every country around the world is facing the difficult public spending decisions that the Chancellor talked about last week. I agree exactly with what he said: that every country has got to face up to it. But there is one way of facing it up to it, and that is publishing our deficit reduction plan, and another way: the right hon. Gentleman's not knowing what he wants to do on the married couples allowance, not knowing what he wants to do on national insurance, and not knowing what he wants to do on the top rate of tax. He is asking people for a don't know at the election rather than a yes or a no; and the only policy he has that is not going to change is his policy on inheritance tax, which helps the richest persons in our society.

Mr. Cameron: If the Prime Minister wants to know how people are going to vote, why does he not find some courage for once and call the election?

The Prime Minister talks about policy. The country is fed up with his policies, but his colleagues were not complaining about the policies; they were complaining about the weakness, the dithering and the backbiting. That is what they were complaining about.

Everyone can see that the Prime Minister will not change the way in which he governs. Everyone can see that he will not answer the question, and that he will not be straight with people. Is not the conclusion of the last week that the Cabinet and the Labour party are too disloyal to support him, but too incompetent to remove him? Should he not ask for the verdict of the British people, so that we can get rid of the lot of them?

The Prime Minister: I must say that the right hon. Gentleman's airbrushed poster had better lines on it than the lines that he is delivering today. He should get better lines from the shadow Foreign—*[Interruption.]*

Mr. Speaker: Order. The Prime Minister must be heard.

The Prime Minister: This is what the Leader of the Opposition said only a few days ago:

> "I messed up and there is no other way of putting it, you know; I was thinking about all sorts of different things and I misdescribed our policy."

He has misdescribed what he is doing, because we know that on the health service there is no guarantee for cancer patients; we know on police that there is no guarantee about neighbourhood policing; we know on education that there is no guarantee of education to 18; and we know on the recession that the Conservatives would have done nothing to take us out of the recession and that they would have gone back to the policies of the 1980s. When he finally wakes up to the fact that policies matter more than posters, he will know that his policies are actually those of the '80s, not those for 2010.

Mr. Gordon Prentice (Pendle) (Lab): Will the Government back my amendment to the Constitutional Reform and Governance Bill next week that will rid Parliament of parasitic non-doms?

The Prime Minister: We will look at that amendment, and we will bring our view to the House at the right time.

Q4. [310399] **Mr. David Heath** (Somerton and Frome) (LD): We have heard why, however implausibly, the Prime Minister will not give evidence to the Chilcot inquiry before the general election, but may I ask him a question that he can answer right now, because I am simply asking for his opinion? Alastair Campbell made it clear yesterday that this Prime Minister was intrinsically involved in all the decision making in the run-up to Iraq, so does he personally regret any of the decisions taken in the preparations for, and conduct of, the war in Iraq? Is he personally sorry?

The Prime Minister: I have already said that the reconstruction that was done after the war effort in Iraq was insufficient; the general view held by many people who have looked into this is that insufficient preparations were made for that. But I was part of the Cabinet that made the decisions on Iraq, and I stand by the decisions we made.

Q5. [310400] **Lynne Jones** (Birmingham, Selly Oak) (Lab): This week, a Member of the House has resigned, with mental illness being a factor. I make no comment about individual cases, but as the law stands any Member of this House who suffers a bout of serious mental illness can be automatically disqualified from office, no matter what the prospects of recovery. That is wrong, and it would never be tolerated for a physical illness, no matter how debilitating. Will the Prime Minister take the opportunity presented by the Constitutional Reform and Governance Bill to implement the Speaker's Conference recommendation that this wrong should be righted?

The Prime Minister: My hon. Friend has raised a very important issue. The Justice Secretary and the Health Secretary are giving careful consideration to the appropriate way forward, and I understand that we will also respond in due course to the recommendation to the Speaker's Conference report that was published on Monday.

Mark Pritchard (The Wrekin) (Con): The first duty of any Government is to keep our nation safe. Given the tens of thousands of abuses of tourist visas, work visas and other visas, how confident is the Prime Minister that he has a firm grip on this nation's national security?

The Prime Minister: At every point we try to be as vigilant as possible in the way we run the services that are necessary for our national security. Immediately after the Detroit attempted bomb on Christmas day, it was for us also to make sure that our security arrangements for people coming into the country were satisfactory, and I ordered a review of those arrangements, as I told the House last week. Equally, we also decided that the co-ordination of our different services is an important issue, and, facing new technology and new methods being used by terrorist groups, we had to do more to ensure the full co-ordination of all our services to deal with potential incidents. That is another set of work that has been put in motion. So at all times we seek to be vigilant. I have to say to the hon. Gentleman that the introduction of biometric visas and then of the e-Borders system will be of great benefit to us in being able to identify people coming into and going out of the country, and I hope there will be all-party support for that.

Q6. [310401] **Alun Michael** (Cardiff, South and Penarth) (Lab/Co-op): Employment in the public sector is very important to the economy of Wales, and cuts in the short term would impede the recovery of the private sector. Has my right hon. Friend made an assessment of the difference between the impact of the tough but long-term approach he is taking and of the precipitate, immediate and unplanned cuts that are demanded by the Leader of the Opposition?

The Prime Minister: I can say from the work that has been done that if we had pursued the same policies as in the 1980s and the 1990s, 1.7 million fewer people would be employed today. It is because we took action to help young people into work and to help small businesses that the unemployment claimant count, which was 10 per cent. or higher in some of the recessions of '80s and '90s, has remained half that today, and we are determined to do still more to help young people into work and those adults who are looking for work. The difference is this: when it came to the recession, other parties were prepared to walk by on the other side, but we decided to act.

Q7. [310402] **Dr. Andrew Murrison** (Westbury) (Con): What is the Prime Minister's attitude to the current situation in the western Sahara?

The Prime Minister: I am thinking of all the issues that the hon. Gentleman wishes me to talk about in relation to the western Sahara. The one thing that I have been worried about is the growth of ethnic violence in these areas. The one thing that we have tried to do is increase—indeed, double—our aid to these areas, and the one thing that we have been worried about is the growth of terrorist groups in these areas. That is why we are taking the action that is necessary to dissuade people from terrorism. I have had numerous conversations with leaders in these areas. If the hon. Gentleman wishes to direct me to a specific point, I will take it up.

Q13. [310408] **Andrew Mackinlay** (Thurrock) (Lab): Does the Prime Minister recall in September 2008 acclaiming the success of the 16 Air Assault Brigade and 2,000 British soldiers in delivering to the Kajaki dam a turbine? Will he tell the House why that turbine, which cost lives, has not been installed? Who makes these important military so-called strategic decisions? The turbine was delivered at a high price and has not been installed—

Mr. Speaker: Order. We have got the thrust of it.

The Prime Minister: I have investigated the issue. Rightly, it is asked of us why the turbine is not working, when it was delivered at great cost in terms of lives and effort. Other sources of power have been found for the areas that were supposed to be served, but it is still our intention that that turbine be used to create the power that is necessary for the economic advance that is possible.

Q8. [310403] **Bob Spink** (Castle Point) (Ind): Essex teenage tearaways are being sent to a sensitive residential area in Castle Point by Essex county council without any consultation whatsoever. They are terrorising residents, elderly frail people and businesses with extreme bad behaviour. Does the Prime Minister agree that people should always be properly consulted, and that the location of those establishments should be sensitively and carefully considered? Essex county council should be ashamed of putting it—

Mr. Speaker: Order. We have got the thrust of it. I am grateful to the hon. Gentleman.

The Prime Minister: No one should be expected to suffer from antisocial behaviour. That is why we have created neighbourhood policing units that have a responsibility for dealing with antisocial behaviour as well as with crime. It is also why we are targeting families such as those that the hon. Gentleman mentions, whose lives are so chaotic that they are disrupting the lives of people around them. No pensioner, in particular, should be expected to suffer from that. That is why next month we will be announcing new measures to help people who are victims of antisocial behaviour, so that we can get quick action to them as well as deal with the problems at source. I hope the hon. Gentleman can be assured that we are taking the action that is necessary, but recognise that this is a problem for many people in the country.

Q15. [310410] **Charlotte Atkins** (Staffordshire, Moorlands) (Lab): Today's stunning results in the schools in Staffordshire, Moorlands demonstrate 10 years of remarkable achievement and a decade of investment in dilapidated schools transforming them into modern learning centres for the whole community. Why is it—*[Interruption.]*—that the hardworking students and the efforts of school staff, head teachers and governors are constantly talked down by the Opposition?

The Prime Minister: They can try and shout down good news but we will tell people. Ten or 12 years ago there were 1,600 underperforming schools in our country when we came to power. Today the figure announced is fewer than 250. This a huge change that is being met by the national educational challenge. We should continue to ensure that by 2011 there is notone underperforming school in our country. We ought to offer the best education to every child. Even if Conservative Members sneer, we will continue to finance the education of every young person in this country.

Q9. [310404] **Mr. Christopher Chope** (Christchurch) (Con): Thank you, Mr. Speaker, for playing extra time. May I ask the Prime Minister what he is doing to prevent the population of this country from reaching 70 million?

The Prime Minister: We have introduced the points system for immigration. The points system is working because where we need no unskilled workers and need workers who have specialist skills but not other workers with skills, they will not now be invited into the country. Of course, when people come into the country, they must have a contribution to make to this country. The points system is ensuring that net migration is falling. It is also ensuring that where we do not need workers to come into the country, they do not come in.

Mr. Speaker: Order. I should be grateful if Members who are leaving the Chamber would do so quickly and quietly.

Withers LLP (Privilege)

12.35 pm

Mr. Speaker: The hon. Member for Birmingham, Yardley (John Hemming) has drawn my attention to an e-mail he received from Withers LLP, a firm of solicitors, which could in his view amount to a contempt of the House by seeking to intimidate a Member in his parliamentary conduct.

I have decided that this is a matter to which I should allow precedence. Therefore, under the rules set out at pages 167 to 168 of "Erskine May", the hon. Gentleman may table a motion for debate at the commencement of public business tomorrow. It will appear on the Order Paper after any statements and before the topical debate on Afghanistan.

I shall arrange for the text of the e-mail to be published in the *Official Report*.

Following is the text of the e-mail:

[Sent: Tuesday, August 04, 2009 5:51 PM

Subject: Private and Confidential

Dear Mr Hemming

Thank you for your various e-mails yesterday. My client's response to the points which you have raised in these and earlier correspondence is as follows.

1. The original leaflet and offending text

It is abundantly clear that the offending text referred to, and would have been understood by those reading it to refer to, our client. You have alleged that the compulsory purchase order (CPO) proceedings involve other parties. However, it is clear from Councillor David Osborne's evidence given to the public inquiry on 14 July 2009 that he was not aware of any other parties who owned plots or who were objecting to Tesco's proposals and presenting alternative proposals other than our client. Asda and Sainsburys had already sold their land to Tesco. It is clear from the context of the offending text that you were only referring to plots of land which are part of the CPO and only the plots owned by our client. Even though he was not specifically named, he was clearly identifiable to the thousands of people to whom you distributed your defamatory and maliciously false leaflet.

You were clearly wrong to say that our client purchased his plots with the intention of delaying the Tesco development, as you now admit. Moreover, we do not agree that a landowner objecting to a CPO of his land and who has made very serious alternative proposals for redevelopment can he be guilty of "spoiling tactics" and this defamatory and maliciously false allegation is strongly objected to by our client.

In order to settle this matter we, therefore, require an apology in respect of both the serious allegations plus payment of our client's costs, a substantial payment to a charity of his choice and an undertaking not to repeat the allegations or any similar allegations, particularly in Parliament.

Your threat to make a statement in the House of Commons referring to our client's alleged "spoiling tactics" in this and other situations and that our client's threatened proceedings amount to "bullying and an attempt to gag opponents" is tantamount to blackmail. These allegations are untrue as our client is only trying to put right a serious wrong to his reputation. We note that you would only make these allegations under the cover of parliamentary privilege. My client objects very strongly to you doing this and would ensure, via other sources, that the House of Commons were fully appraised of the true situation and not misled.

We deny that our client has been involved in any "spoiling tactics" at the Swan, Maypole or in Worcester. He certainly does not have, as you claim, a track record of "spoiling tactics". By making such allegations you are clearly aggravating the damages which you will now have to pay to a charity of our client's choice.

You say that you have spent time meeting my client and talking about the Swan development. Notwithstanding, it seems that you have failed to understand what my client is trying to achieve.

All that my client wants is to vindicate his reputation as swiftly as possible. However, if a suitable correction and apology, costs, damages and an undertaking not to repeat these or any similar defamatory and maliciously false allegations cannot swiftly be agreed, he will have no alternative but to issue proceedings.

We obviously also need to discuss how quickly you can circulate your apology around the constituency. Clearly this will have to be done much more quickly than your usual six weekly cycle in order to alleviate the continuing harm to our client's reputation.

Meanwhile, could you please inform us, as we requested in our original letter of 29 July 2009, how many copies of the offending text were distributed; who wrote the offending text; who authorised its publication; who published it; and the date of issue.

2. Alternative wording to those to whom the original leaflet was not delivered

As previously indicated today, our client has no objection to replace the offending text with the new text set out in your e-mail of yesterday's date sent at 12.32 pm.

Yours sincerely,

Withers LLP]

Haiti

12.36 pm

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab) (*Urgent Question*): To ask the Secretary of State for International Development if he will let the House have the most up-to-date information on the recent massive earthquake in Haiti.

The House is aware that Her Majesty's Government do not have the historic links with Haiti that they have with the rest of the British-speaking Caribbean; none the less, the entire Caribbean will be looking to the Government's response to this awful tragedy. Haiti has had a turbulent recent history. It has very poor infrastructure and it will be reliant on international help—

Mr. Speaker: Order. The hon. Lady will have an opportunity to develop her thoughts, but at this point we will hear from the Secretary of State.

The Secretary of State for International Development (Mr. Douglas Alexander): I am grateful for the opportunity afforded by this question to update the House on the present situation. A series of major earthquakes struck Haiti last night in the area around the capital, Port-au-Prince. The strongest of these was reported at 7.2 on the Richter scale. Up to 13 aftershocks have since taken place. Information on the scale of damage and the number of people killed or injured is slowly emerging. Our initial estimates suggest that some 6 million people live in the affected area, and 1 million people in the worst affected area. Early press reports and limited information from the United States Government and the United Nations describe numerous collapsed buildings, including a hospital, many houses and the presidential palace. By any measure this is a terrible tragedy.

My Department has a four-person field assessment team en route to Port-au-Prince in order to determine the priorities for urgent assistance. We have already mobilised a UK fire and rescue service search and rescue team of 64 people with dogs and heavy rescue equipment. The team and their 10 tonnes of equipment are at present assembling at Gatwick airport and are ready to deploy as soon as the airport reopens following heavy snow. We are urgently looking at all options to ensure that the search and rescue team can deploy as quickly as possible, including the possibility of an RAF flight. I have been informed that the United States currently has two search and rescue teams mobilising and ready to depart from Miami. The Iceland search and rescue team is also mobilising. However, a further complication facing all teams is that Port-au-Prince airport is believed to be unusable. We are urgently assessing alternatives.

Haiti is, of course, one of the poorest countries in the world. The need in the aftermath of this tragedy is likely to be very great. The United Kingdom stands ready, as part of the international community, to provide humanitarian assistance in the wake of this devastating earthquake.

Ms Abbott: The House is aware that Her Majesty's Government do not have the historic links with Haiti that they do with the English-speaking Caribbean, but none the less, further instability and privation in Haiti is a matter for the entire region. I am grateful to the Secretary of State for his very full response, which moves us on from the press reports that we have heard this morning. I am sure that people in the Caribbean who are following the debate, and people in Haiti itself, will be grateful that Her Majesty's Government are so keen to be of assistance.

Mr. Alexander: I am grateful to my hon. Friend, and of course I wish to pay tribute to the depth of her knowledge and experience of the Caribbean. I am sure that it will be of comfort to her constituents and others across the country that the Government, and I am sure the whole House, are determined for Britain to play its part in response to this tragedy.

My hon. Friend is right to recognise that although Haiti is the poorest country in the western hemisphere, we have not historically had a strong development relationship as a consequence of the fact that the French, the Canadians and the United States have primarily led on development assistance to Haiti. However, as I have said, we stand ready to consider what humanitarian assistance is required once the rescue phase of this tragedy is complete.

Mr. Andrew Mitchell (Sutton Coldfield) (Con): I thank the hon. Member for Hackney, North and Stoke Newington (Ms Abbott) for her question and the Secretary of State for the response that he has given the House.

Throughout the country, there will be deep concern for the people of Haiti at this awful time. As the Secretary of State said, it is the poorest country in the western hemisphere, and it is the least well equipped to cope with such a catastrophe. As all the evidence shows, the actions taken in the immediate aftermath of the disaster will determine how effectively the needs that result from it are addressed. In this case, the whole international community should ensure a swift and effective response, although clearly the United States is in the key position to provide help.

Will the Secretary of State give further details about the composition of the UK assessment team being dispatched to the region? When will it arrive, and when will we know what further support the British Government can offer? Can he assure the House that the whole Whitehall machinery, not just the Department for International Development, is firmly joined up on that point?

Can the Secretary of State provide us with any information about the number of British nationals who are currently in Haiti, their situation and the steps being taken to look after them?

As I said, the United States will no doubt have the leading role in the international response. What recent conversations has the Secretary of State had with his counterparts in the United States to ensure that that response is properly co-ordinated?

Many members of the British public will want to do all they can to support the people of Haiti at this time. What guidance can the Secretary of State give as to how their efforts should best be directed? Can he also update the House on how the neighbouring Dominican Republic has been affected?

In 2007 my hon. Friend the Member for Cotswold (Mr. Clifton-Brown), a shadow International Development Minister, became the first senior British politician for

[Mr. Andrew Mitchell]

some time to visit Haiti and spent time with the UN forces there, who are so important in these circumstances. We hear that they have been hit hard by the earthquake. Can the Secretary of State update the House on the latest news about the impact of the earthquake on the UN mission in Haiti, and what discussions has he had with colleagues at the UN Department of Peacekeeping Operations in New York about the matter?

Our total focus at the moment must be on saving lives and getting help to those who need it, but will the Secretary of State accept that in due course and when the time is right, it will be necessary to have a full review of Britain's emergency response process in such circumstances?

Mr. Alexander: Let me associate myself with the sentiments that the hon. Gentleman expressed. I shall endeavour to answer the range of questions that he put before the House.

I certainly concur about the need for swift and effective action, and as part of the international community we are endeavouring to achieve that. The field assessment team is a four-person team, and is required to give us the opportunity to achieve the co-ordination of which he spoke. I can assure the House that there has been no delay in assembling the search and rescue capability—the 64 British firefighters who are gathering at Gatwick as we speak, to take forward the rescue phase of the effort.

I assure the hon. Gentleman that, as I sought to reflect in my original answer, we are working closely with our colleagues across Whitehall. Discussions are already under way with the Ministry of Defence, and of course with the Foreign and Commonwealth Office.

The hon. Gentleman asked about British subjects in the affected region. The situation on the ground is chaotic, and as a consequence the information remains sketchy. I sought the advice of the Foreign Office minutes before appearing at the Dispatch Box, and it has had approximately 15 to 20 calls from family members here in the United Kingdom raising concerns about the possibility of UK nationals being in the country. Two of those identified in those calls have already made contact with their families since the calls were made to the Foreign Office earlier this morning. I can assure the House that the Foreign Office is keeping the situation under very close review.

In relation to contacts with the United States Government, the judgment to mobilise the 64 British firefighters was on the basis of conversations with our opposite numbers in the United States. Their assessment was that the need was clearly already so great that assistance in addition to the two American heavy lift and heavy rescue capability teams now en route to Haiti would be required. It was on the basis of conversations with the Americans that we mobilised our team.

As for what British citizens who are concerned about this human tragedy can do, my understanding is that as we speak, a meeting of the major British agencies is taking place. As is the case with similar tragedies, there will then be a judgment as to whether to launch a Disasters Emergency Committee appeal or independent appeals by the charities.

Ban Ki-moon, the Secretary-General of the United Nations, has already issued a statement. As I understand it, the Chinese and the Brazilians have raised concerns in relation to a number of the peacekeepers they have as part of the UN mission in Haiti, but it would perhaps be more appropriate for me to take the opportunity to update the House in due course, as the situation develops, on those and other related matters.

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): I too thank the hon. Member for Hackney, North and Stoke Newington (Ms Abbott) for giving us the opportunity for this update today, and I associate myself and my colleagues with the comments made by the Secretary of State and the shadow Secretary of State. The horrors in Haiti this morning are utterly unimaginable, and the impact is all the worse for being the latest in a very long list of geographical disasters, which are complicated by political divisions and terrible uncertainty.

The Liberal Democrats welcome the initiative the Secretary has announced and the speedy response he indicated. Will he tell us what other forms of assistance, beyond the rescue teams, he is contemplating, perhaps as the next stage of assistance with the recovery? Others in the European Union and from elsewhere in the world will also be looking to see how they can assist. Will he explain to the House how all those different efforts will be co-ordinated?

The international community has a desperate habit of losing interest in, and forgetting, countries once the television crews have gone home, so looking to the longer-term, will the Secretary of State give us an assurance that with our partners, he will re-examine the support that we provide to Haiti and other vulnerable countries like it, and prepare help for them on a sustainable and secure basis?

Mr. Alexander: Again, I am grateful for those remarks and associate myself with the determination that the hon. Gentleman communicates that the United Kingdom should play its part. Let me deal with two or three of the specific points that he raises. He is right to recognise that in any major disaster such as this one, there is a rescue phase—and that is what our efforts are focused on at the moment. The assessment team will contribute to the recovery phase and to an assessment of the humanitarian requirements.

In the wake of a tragedy such as this, there are always requirements for food, shelter, clean water and medicines. That is why the hon. Gentleman's point about the co-ordination of the international effort is so apposite. We are already in discussions with OCHA—the UN Office for the Co-ordination of Humanitarian Affairs—which has historically led such efforts. Tragically, because of our familiarity with major disasters over recent years, it has developed real expertise in the cluster system, whereby individual countries can slot their contribution into a more co-ordinated and joined-up international effort.

The hon. Gentleman asked about the European Union, which is historically one of the partners of Haiti. We are already in discussion with European partners, and we anticipate that ECHO—the European Community Humanitarian Office—the EU's humanitarian assistance arm, will be heavily engaged in the response to the tragedy. Again, I will take the opportunity to update the House on the continued efforts to co-ordinate those international efforts in due course.

Alan Simpson (Nottingham, South) (Lab): Some of the earliest of today's press reports talk about the overwhelming numbers of people presenting themselves with severe lacerations and broken limbs to hospitals that have collapsed. Will the Secretary of State outline what medical elements are in the package of immediate support that the UK is offering? They will help to keep people alive.

Mr. Alexander: We are delivering a capability through the 64 search and rescue specialists, who have expertise and knowledge. However, in the first instance, our challenge is physically to get people out from under the rubble. The indications are that because the centre of the earthquake affected a very built-up area of Port-au-Prince, there will be a requirement to remove people from the wreckage of buildings.

Alongside that, we are working with others to make sure that the medical supplies and medical professionals required to address this challenge are deployed. The Red Cross—both its international arm and the Red Cross bodies that represent individual nations—is already heavily engaged. I assure my hon. Friend that this is one of the issues that we have already been regularly discussing this morning.

Malcolm Bruce (Gordon) (LD): The International Development Committee looked at the Government's response to emergencies a couple of years ago. I commend the Secretary of State on his ability to show how that works at very short notice. We visited the emergency room in Victoria street.

Can the Secretary of State ensure that the co-ordination that follows from this disaster will avoid a lot of duplication of effort, which can go to waste? That has happened with other disasters. In particular, will the United Nations have the capacity to play that role, as it sought to do in Pakistan?

Mr. Alexander: I am grateful for the right hon. Gentleman's question and the knowledge and expertise that he and his Committee have brought to bear on these issues. It would be fair to characterise the United Nations capability as significantly improved, although still with significant room for improvement. I am mindful of the lessons that needed to be drawn after the Pakistan earthquake, and we have put significant effort into strengthening the capability for immediate response and co-ordination.

I have already been questioned elsewhere this morning on why we are sending an assessment team in the face of the immediacy of the human tragedy. It is to address exactly the point raised by the right hon. Gentleman—so that we can both understand the scale of the humanitarian need and deploy effectively with our international partners to address that need. Alongside the rescue phase, work is already under way genuinely to understand the needs of a country that we should not forget was desperately poor even before this tragedy. Then we will be working with the United Nations to ensure a co-ordinated and sustained response to this tragedy.

Tom Levitt (High Peak) (Lab): With an island such as Haiti, there is always a danger that an earthquake will be associated with a tsunami, although thankfully that does not appear to have happened on this occasion. However, does my right hon. Friend recall that after the tsunami in the far east, the world pledged to improve the early warning systems for tsunamis and earthquakes? Was there any early warning on this occasion? What are his thoughts about the early warning preparation and the preparedness of the wider Caribbean?

Mr. Alexander: It is one minor consolation in the face of the scale of this tragedy that a tsunami was not one of the features of this earthquake. But I assure my hon. Friend that the issue of early warning systems has been central in many minds following the terrible tsunami on Boxing day some years ago. I was then serving at the Foreign and Commonwealth Office, and I took the opportunity to visit Aceh at the time. It was clear that many more lives could have been saved if there had been more effective early warning systems. That is why, since the terrible tragedy of the first tsunami in Aceh and Sri Lanka, we have worked closely with the Governments affected to provide that support.

I have to say that it was a great source of pride to me, on behalf of all Members of the House, to see, on a recent visit to Bangladesh, that British taxpayers' money had helped to contribute to the disaster preparedness of the people there. That had prevented the tragedy of the recent cyclone from being an even greater tragedy, as a result of early warning and the provision of cyclone shelters. There are lessons that can be drawn from elsewhere in the world, and we have been working on this matter for a number of years.

Mr. Gary Streeter (South-West Devon) (Con): Do we know whether the Government of Haiti are still functioning, or have they taken high-level casualties? Would it not be a double disaster if, in addition to the casualties on the ground, there were further political instability in an island that is already pretty fragile?

Mr. Alexander: The position, I am afraid, is not yet clear. We know that the presidential palace has been damaged, along with other significant Government buildings. A spokesman from the Haitian Government broadcast on CNN this morning, urging help from international partners. However, the situation in the country is both chaotic and unclear. That is why we are working so closely with our friends and colleagues in the United States and elsewhere—to try to get a clearer and quick assessment of the true situation on the ground.

My final point is that the hon. Gentleman is right to recognise that a disaster on this scale would test even the strongest of states; given Haiti's blighted history, it will undoubtedly require the support of the international community.

Harry Cohen (Leyton and Wanstead) (Lab): Will the Royal Navy be galvanised as part of this important aid and rebuilding programme? Will my right hon. Friend contact the United States to ensure that it uses its extensive naval resources to get important aid, including medical supplies, into Haiti?

Mr. Alexander: I would not wish to prejudge what assets could be required by the international community. The early indications are that although Port-au-Prince

[Mr. Douglas Alexander]

airport was unusable this morning, there are other airports both in Haiti and the Dominican Republic that would perhaps provide a more immediate and speedier response than would be offered by the deployment of naval assets. However, I am sure that if that requirement emerges, it will be given serious consideration, given the scale of the United States' naval assets in the Caribbean and the region.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): When the priorities for what is needed in Haiti are established, will the Secretary of State give an assurance that food and actual materials—blankets and so on—will be given, rather than a cheque being made over to the authorities?

Mr. Alexander: As I said, an assessment team is en route at the moment to judge exactly what is required. However, within the capability of the Department for International Development are exactly the kind of supplies of which the hon. Gentleman speaks—whether they are as basic as blankets, tents and canvas to provide shelter or the ability to work with other British agencies to provide water and sanitation; an organisation such as Oxfam is literally world class in the provision of water and sanitation in the wake of such disasters.

We will consider all the requirements and options but I would fully anticipate that, as has consistently been the case in humanitarian responses in recent years, the response will involve material goods, rather than simply the writing of a cheque.

Mike Gapes (Ilford, South) (Lab/Co-op): The Secretary of State will be aware that the Turks and Caicos Islands, a British overseas territory, is not too far from Haiti. Is he giving consideration to how the Haitian people living in TCI—there are several thousand people of Haitian origin there—will be affected, and to any assistance that can be given from British territories in the region?

Mr. Alexander: I am sure that the overseas territories department at the Foreign and Commonwealth Office will be considering that matter. Our most immediate priority within the Department for International Development has, of course, been the rescue response and the recovery phase. But it is right to recognise that there will be a regional dimension to this tragedy. That is why we have such strong working relationships through the overseas territories department at the Foreign and Commonwealth Office. In response to the question that my hon. Friend has raised, I can say that I expect that those will be utilised.

Simon Hughes (North Southwark and Bermondsey) (LD): The Secretary of State may know that there are significant numbers of French-speaking people in the UK, who I am sure will have a particular interest. The Churches, particularly the Roman Catholic Church, have strong links with Haiti. Furthermore, organisations such as Voluntary Service Overseas have sent many people with expertise in various fields to work in Haiti over the years. Can the Secretary of State make sure that those groups, among others, are called on? I am sure that they wish to assist, and will be competent and able to do so.

Mr. Alexander: Of course. I pay tribute to the work that Church organisations and non-governmental organisations from the United Kingdom have done for some time to support the people of Haiti, often in extraordinarily difficult and challenging circumstances. As you can imagine, Mr. Speaker, it has been a rather busy morning for us in the Department, but I anticipate that in fairly short order we will bring together the relevant NGOs—those that have worked in Haiti and/or have an interest in responding to this humanitarian tragedy—so that we can update them and assess how they can help.

BILL PRESENTED

UNITED KINGDOM PARLIAMENTARY SOVEREIGNTY BILL

Presentation and First Reading (Standing Order No. 57)

Mr. William Cash, supported by Mr. John Redwood, Mr. Peter Lilley, Mr. David Heathcoat-Amory, Mr. Edward Leigh, Mr. Bernard Jenkin, Mr. Graham Brady, Sir Peter Tapsell, Mr. Richard Shepherd, Mr. Christopher Chope, Mr. John Whittingdale and Mr. Brian Binley, presented a Bill to reaffirm the sovereignty of the United Kingdom Parliament; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 23 April, and to be printed (Bill 48).

Veterans' Welfare

Motion for leave to bring in a Bill (Standing Order No. 23)

12.58 pm

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): I beg to move,

That leave be given to bring in a Bill to require the Secretary of State to review and report to Parliament annually on the support provided to armed forces veterans across the United Kingdom in respect of access to health services, access to welfare schemes and access to other support; and for connected purposes.

We ask a lot of our armed forces, and it is appropriate that in this House we should regularly acknowledge our debt of honour to the brave men and women who put their lives at risk on our behalf in many different parts of the world. I am happy to do so again today. As our country has been embroiled in different conflicts in recent years, it is also right that at the beginning of Prime Minister's questions each week, it has become the custom to pay tribute to those who have died serving our country—as we did again today, following the sad news of the death of Captain Daniel Read, of the Royal Logistic Corps, in Afghanistan. I should like to add my condolences to those already expressed by the Prime Minister and others.

The support given to the armed forces is actively debated in the House and rightly so, but today my focus is on the veterans—the millions of people who have served our country over many different decades and have returned to civilian life. In our own constituencies we come across them every day, contributing immeasurably to local communities while modestly playing down the roles that they had and the risks that they took.

I have been delighted in recent years to assist more than 400 constituents in obtaining their veterans badge. I have been honoured to present many of them and to listen to the experiences of the people who have earned them. Like many right hon. and hon. Members, I have been approached countless times to help veterans in their civilian battles as they try to get assistance with the health, financial or other problems that now confront them. Through Armistice day and other initiatives, we will not forget the sacrifices of those who have died, but it is equally important that we do not forget those who have survived but who need our help to cope. High levels of war fighting over the past decade have created a new generation of veterans with specialised needs at the same time as earlier generations who fought in the second world war and subsequently move into old age and experience the extra problems associated with their service.

In helping our constituents, we are given invaluable support by all kinds of organisations. My constituency includes the historic home of Earl Haig, whose eponymous charity plays a huge part in supporting veterans and their dependants and in raising awareness of the challenges facing them. There are countless others, such as the Royal British Legion and the Soldiers, Sailors, Airmen and Families Association, whose networks of volunteers across the United Kingdom tackle some of the most complex welfare issues imaginable.

The demand is great and I acknowledge that it is recognised by the Government. Beyond the introduction of the veterans badge, we have seen the establishment of the Veterans Agency, the publication of the service personnel command paper and, more recently, the pathway initiative. The shortcomings in the support available to veterans are obvious from the awareness campaigns undertaken on their behalf. Research on health services by my hon. Friends the Members for North Devon (Nick Harvey) and for Dunfermline and West Fife (Willie Rennie) has established that 80 per cent. of local health authorities in England and Wales and 57 per cent. in Scotland have no idea how many veterans they have treated under the priority access scheme. Local health services do not understand the scheme and so veterans are losing out.

The British Medical Association has suggested simple changes that could transform the situation, including better training for NHS personnel on clinical matters affecting veterans and requiring a patient's veteran status to appear on the front of his or her medical records. The Royal National Institute for Deaf People points out that a veteran in the UK has to endure hearing loss of 50 dB—twice that of their United States counterparts—before they will be considered for compensation in the UK. As many of my father's generation found out to their cost, the five-year time limit imposed for applications for compensation is too restrictive and excludes many from accessing the support that they should have.

Away from health issues, Poppyscotland's recent research shows that the second most common problem facing veterans after mobility issues was financial difficulty, yet as it points out, there is no single point of delivery for financial advice for veterans in Scotland. Research from the Royal British Legion has shown that many veterans have been forced to wait an unacceptable amount of time before receiving grants to which they are entitled and homelessness remains a real blight, with the charity Veterans Aid taking around 2,000 calls per year from veterans who are homeless or at risk of being homeless through debt and other problems.

Looking after veterans is complex and demanding, and it is made more so by the fact that the responsibility for care and support is divided among different agencies and Departments and between the UK Government and the devolved Administrations. I accept that the Government's 2008 Command Paper, "The Nation's Commitment", has sought to bring Departments together. It also seeks improvements in the ways in which local authorities and devolved Administrations consult the Ministry of Defence on veterans issues. Despite the myriad Government measures and voluntary schemes, however, assistance provided to veterans across the United Kingdom remains too fragmented. Organisations working with veterans keep reminding us that they are often reluctant to claim their entitlements and none of them wants preferential treatment.

We must recognise that we owe veterans a duty of care. We must spell that out. We must do better to make veterans aware of their entitlements and how to access them. We must transform the way in which health and other service providers fulfil their obligations to veterans and take care of their specialist needs. To help us achieve all this, we need urgently to reform the way in which we gather information about the needs of veterans and how they access help. In Parliament, we should debate a Ministry of Defence report on these issues every year.

[Mr. Michael Moore]

This Bill seeks to address such issues and to allow Parliament to fulfil its scrutiny role more effectively. It would establish a legally binding code on veterans' welfare, setting out a duty of care to veterans. That veterans covenant would include the right to an individual needs assessment, spelling out the services in which they should have priority or other access. It would also provide for monitoring reports on individuals' experiences at appropriate points in their lives. The Bill would place a duty on the Ministry of Defence to implement the veterans covenant by maintaining a register of veterans, co-ordinating the work of UK Government Departments and liaising with the devolved Administrations. Finally, the MOD would be required to report to Parliament annually on the implementation of the code.”

The debt of honour we owe to our veterans is vast. As a modest step towards tackling our dues, I beg leave to introduce this Bill.

Question put and agreed to.

Ordered,

That Mr. Michael Moore, Nick Harvey, Willie Rennie, Bob Russell, Mr. Alistair Carmichael, Mr. Paul Burstow, Julia Goldsworthy, Malcolm Bruce, Danny Alexander, Sir Robert Smith, John Mason and David Cairns present the Bill.

Mr. Michael Moore accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 5 February, and to be printed (Bill 47).

Opposition Day

[2ND ALLOTTED DAY]

Education, Training and Skills

Mr. Speaker: I inform the House that I have selected the amendment in the name of the Prime Minister.

1.7 pm

Mr. David Willetts (Havant) (Con): I beg to move,

> That this House notes with concern the increase in the number of young people not in employment, education or training and the fall in the number of apprenticeship starts; further notes that there will be a shortage of university places in 2010 and that the continuing problems with the Student Loans Company will impact on those students beginning their studies this year; calls on the Government to clarify its position on university places after the annual Higher Education Funding Council for England grant letter and on imposing fines on those higher education institutions that take on more students to meet the 50 per cent. participation target; further calls on the Government to consider proposals for the rapid expansion of apprenticeships and to free further education colleges from stifling bureaucracy so they may meet the needs of young people; and urges the Government to offer 10,000 additional university places in order to build aspiration, opportunity and a competitive economy.

The basis for the motion is very simple: sadly, it is a widely recognised fact that young people in our country are the first and worst victims of this recession. The shocking figures are all too familiar. The number of young people not in education, employment or training is now more than 1 million—it is 1,082,000. The rate of youth unemployment in Britain, with 950,000 young people unemployed, is one of the worst in Europe. In fact, it is a sad irony that the Government were first elected in 1997 on a pledge card that they would reduce youth unemployment by 250,000. Under their watch, it has risen by more than 250,000 since then. That is a very serious challenge to us all.

This is not just about youth unemployment or the fact that young people have been the first and worst victims of the recession. It looks as though the higher education and training budget has proved to be one of the first and worst victims of the fiscal crisis that the Government have created. The Opposition understand the need for tough measures and for public spending to be brought down, because that is the mess that the Government have created and that has to be tackled. However, we have called this debate because we want to hear from the Minister what measures the Government are taking to tackle the crisis, and a full explanation of how he believes the cuts that have been announced in stages over the past few months will impact on universities and colleges. I have to say to the Minister that the suspicion is that the Department that he represents has fallen victim to the political arguments in the Labour Government between—*[Interruption.]* The Minister denies it, but not with an entirely straight face. The arguments are between the Secretary of State for Children, Schools and Families, who famously said on 20 September 2009,

> “I said…that I wanted to see us carrying on with real-terms rises in our key public services”—

we will not hear the word “cuts” pass his lips—and the First Secretary of State, Lord Mandelson, who said on 14 September 2009 that

> “spending in some areas will be reduced”.

When challenged on whether front-line services would be under the spotlight, Lord Mandelson said:

> "Everything is going to have to be examined."

The First Secretary of State is making an example of his Department in a strategic debate that he is having with some of his Cabinet colleagues about what approach the Government should take to the fiscal crisis. If that is what he is arguing as part of Labour party strategy, we should not be surprised that it looks like, so far, by far the biggest cuts have fallen within the budgets of higher and further education.

It is worth being clear about what those cuts are, so it would be helpful if the Minister explained them properly. Our understanding is that a £180 million efficiency saving was announced in the 2009 Budget; a £600 million further reduction was announced in the autumn statements; and a £135 million further reduction was announced in a letter to the Higher Education Funding Council for England on 22 December. That adds up to what is believed to be a £915 million cut. What steps is he taking to deliver those reductions and what does he think they mean for the numbers of students and the quality of the student experience? We want to hold him to account, and universities need to know exactly what the cuts will entail.

Buried at the end of the letter to the HEFCE, was a revealing figure that brought home the scale of the reductions. At the beginning of this period, in 2007-08 prices, the planned unit of funding—the amount of teaching support for students—was £4,140. According to the letter to the HEFCE, that will fall to £3,950 in 2010-11 in constant prices. That looks to be the key figure, and it is contrary to all the assurances we have had that teaching would be protected as part of this exercise. How does the Minister plan to deliver those significant reductions in the higher education budget?

We also hope to hear from the Minister about what the reductions mean for the number of student places. We are close to the 15 January deadline for applications—we understand that it was extended by a few days because of the weather—but can he indicate to the House how many university applications he expects this autumn? From provisional figures collected earlier in the year, we know that we were already looking at a 12 per cent. increase in applications for 2010 on top of applications in 2009—and 2009 was itself a record year.

We understand the reasons for those big increases in applications. With high rates of unemployment, many more young people apply to go to university, and of course there was a mini baby boom in the early '90s, which means that there is now a large number of 18 and 19-year-olds in that cohort. We want to hear from the Minister how many places will be available at universities for this further surge in the number of applicants. The fear is that there will be an increase in the number of young people applying and an absolute decline in the number of places available for them.

That would be an extraordinary position for the Government to have got themselves into. They have an official target of getting 50 per cent. of people into university. First the Government set the target, and then last year universities offered extra places for those students. Now, however, we are told that institutions will be fined for taking on those extra students. This must be the first time a Government have fined an institution for taking the steps necessary to reach the Government's own announced target—in this case, of more people going to university.

The Opposition do not believe in artificial targets, such as the 50 per cent. target, and are comfortable with the Robbins principle, which states simply that

> "courses of higher education should be available to all those who are qualified by ability and attainment to pursue them and who wish to do so".

That seems to us a much more sensible approach than artificial targets. At the same time, we have practical proposals for how we could find more places for students in the crisis year of 2010.

Mr. Gordon Marsden (Blackpool, South) (Lab): The hon. Gentleman is talking about targets and pooh-poohing the idea behind them. He talked earlier about units of funding, but does he not acknowledge that the lack of targets under Tory Governments in the 1990s led to one of the lowest ever units of funding for university students?

Mr. Willetts: I accept that in that period we saw a big increase in student numbers but not a comparable increase in the unit of resource per student. Labour Members used to make that criticism, but now they are presiding over a reduction in the unit of resource per student. That is why, this time, we have a specific proposal for 2010 that avoids the problem identified by the hon. Gentleman. We have cautiously and prudently identified an extra source of cash that could go to universities in the crisis likely to be faced in the summer of 2010 of so many university applications with a possible reduction—on the Government's plans—in the number of places. We have said that there should be a bonus—a special discount—for people who repay their student loans early, which would bring extra cash into the system now, before Lord Browne of Madingley has a chance to report.

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): The hon. Gentleman has raised that point before. He said that it is a practical proposal, but will he tell us how he has costed it and what its cost is, including the dead-weight cost of giving a discount to those who would repay anyway?

Mr. Willetts: We have made a simple and cautious assumption that by summer 2010, there will be £30 billion of outstanding student debt. We believe, from looking at similar but not identical schemes in New Zealand and Australia, that it is reasonable and cautious to assume that 1 per cent. of that debt will be repaid early—£300 million.

In order to avoid the problems now faced by Ministers, which the hon. Member for Blackpool, South (Mr. Marsden) mentioned, we have fully costed university places. We have not used places costing less than the average—if anything, we have costed them slightly more highly than we believe is the average. We have said that a university place costs £10,000 a year in total public funding, which includes maintenance and teaching support. Over three years, therefore, the full cost in public expenditure of a student place is £30,000, which means that the £300 million that we have identified would provide an extra 10,000 places.

[Mr. Willetts]

That is a carefully costed, fully explained model that does not—this touches on the concerns that the hon. Gentleman expressed—involve any reduction in the unit of resource per student. Those would be extra places on top of the Government's planned number of student places. Given that we are waiting for the proposals from Lord Browne's funding review, and given the inexorable looming crisis and special circumstances facing us this summer, that is the right thing to do. Unlike Ministers, who appear to be proposing a reduction in the number of places for students just when there is a surge in applications, we are confronting a practical problem that needs addressing, because the Conservative party cares about educational opportunities for young people who wish to go to university.

When Ministers announced their latest round of cuts before Christmas, they talked about delivering more education courses for students through two-year degrees. We fully understand the case for such degrees. They are by no means a complete solution to the pressures faced by universities, but they are the kind of option that they have to consider. As so often happens with the Government, however, they proposed apparently new ideas that in reality have been around for some time and which they themselves have been undermining through their own policies. Will the Minister confirm, therefore, that in the same week that the briefing was issued saying that we should not worry about the public expenditure reductions because in future we would have so many two-year courses, the HEFCE announced a reduction in funding for foundation degrees, which are one way in which the shorter courses are delivered? Such initiatives are already in the system. The HEFCE has said that it will

"reduce the funding provided through the targeted allocation to support foundation degrees, and keep this under review in light of any further requests for efficiency savings."

So at the same time that this supposedly radical new approach to universities is being floated, the funding for the initiative that is supposed to bring it to pass is quietly being strangled. That is an example of the Government's spin running along completely detached from the reality.

We are pleased that Lord Browne's review is a funding review—something that we pressed for—and not simply a fees review. We hope that it will tackle the underlying problems and pressures facing universities. Meanwhile, we are concerned to tackle the challenge that our universities will face in 2010, because we do not believe that the Government are doing so.

While we have the Minister here in the Chamber, let me ask him about another concern, which we realise many students still face, namely the continuing operational problems of the Student Loans Company. Let me remind the House of how the Government launched the policy in July 2006 and of the expression used by the previous Higher Education Minister, the hon. Member for Harlow (Bill Rammell). For those of us on the Opposition Benches who wrestle with our constituents' problems, it is worth reminding the House that the case for the new system was that it would result in

"clearer information, faster decisions, timely payments and accurate repayments."

That is what we were promised in 2006, when the policy was launched. Since then, of course, we have had a shocking report, revealing not just the many cases of maladministration and incompetence, but problems that go back to the Department, which was endlessly chopping and changing the rules for student maintenance, creating a system that was far too complicated for the Student Loans Company to administer.

I hope that the Minister will tell the House, first, how many students are still waiting for their student grant forms to be processed and for the money to be received; secondly, how many disabled students in particular are still suffering from such problems; and thirdly, what assurance he can give us that the problems that are still hanging over from last year will not interfere with the efficient handling of new claims for 2010, which are starting now. We know, from the spirals of problems that the tax credits system, the Rural Payments Agency and the Child Support Agency have got into, that the real problems start when we do not sort out the first year's problems before the second year of cases arrive. That is why the issue is so important. We need to know that the overhang of historical problems will not affect the next round of student applications.

Mr. Tim Boswell (Daventry) (Con): Does my hon. Friend, who is making such an interesting speech, concede that there is an analogy with student numbers? Just as the grants and loans for last year have got mixed up—they might get mixed up with next year's too—so the backlog of students who might have taken gap years or otherwise will now impact on the further demand for student places in the coming year.

Mr. Willetts: My hon. Friend is absolutely right and makes an important point. That is another reason why we believe that there will be a surge in applications in 2010. Some prospective students who could not get a place last year will reapply this year.

Rob Marris (Wolverhampton, South-West) (Lab): On student places, the 1 per cent. from the student loan book and so on, do I understand the hon. Gentleman to be saying that the 10 000 places to which the motion refers will simply be for one year, as appears to be the case, or does he expect a 1 per cent. premature pay-down from that £30 billion every year, which is the only way, on his figures, that those 10,000 extra places could continue year on year, with other cohorts going through?

Mr. Willetts: Our policy is designed for the particular problems that we will face in the summer of 2010. The places are costed for three years, so the students will be able to continue at university, and we are assuming that £300 million will be coming through. We have designed the measure specifically to tackle a crisis caused by particular reasons—because unemployment is so high and because of the surge in the birth rate—and before we have had Lord Browne's wider proposals on higher education reform. We need to do something for an immediate, pressing crisis, and that is what the policy is aimed at doing.

Kevin Brennan *rose—*

Mr. Willetts: I will give way to the Minister again, but let me say that we are noticing a pattern: we put forward practical proposals to solve problems and we are questioned about them by his party.

Kevin Brennan: It is because they do not add up. However, will the hon. Gentleman answer the question that I asked him earlier: what estimate has he made of the dead-weight cost of his proposal, in relation to those who already pay back early?

Mr. Willetts: We are talking about extra payments that we are bringing into the system as a result of the discount. Of course it is true that there is a modest amount of repayments. We have done the calculations, which include an allowance for the modest amount of repayments made, which will benefit the discount. That is why we can afford the policy, with the £300 million coming in. That is how the policy has been costed.

Let me now turn to a subject over which we have occasionally drawn a discreet veil. However, in the year when we are marking the 200th anniversary of the birth of the great William Gladstone, it is right that we should devote a moment's attention to the policies of the Liberal Democrats. In the 200th anniversary year of the grand old man of British politics, we are going to lavish attention on the Liberal Democrats. I enjoyed participating in a radio discussion over the Christmas break about his achievements with Lord Adonis, who was far more passionate in his defence of William Gladstone than was Lord Steel, who was also on the programme.

We are going to give some attention to the Liberal Democrats because hon. Members on both the Conservative and Labour Benches would like to get a sense of where Lib Dem policy on university fees currently lies. I am sure that the hon. Member for Bristol, West (Stephen Williams) would like to take the opportunity to clarify that in his speech. However, as he studied history at Bristol university, perhaps we should try an historical account, just to be clear where we are.

In 2005, his party, like my party, went into the general election saying that fees should be abolished. With the financial pressures facing universities, we have recognised that that is not a sustainable policy. We have accepted that fees must stay, and we look forward to seeing whatever proposals emerge from Lord Browne's report. The Lib Dems started off in 2005 by saying that they would abolish fees. Then, when the hon. Gentleman took up his responsibilities, he looked into changing the policy. However, I have to warn him that, although it is perhaps rather sad, I keep old copies of *Times Higher Education*.

Rob Marris: It is very sad.

Mr. Willetts: It is, but it also means that I have records of the various statements that the hon. Member for Bristol, West has made about higher education policy over the years. There is an article in *Times Higher Education* in September 2008 that is headed: "Leaders of Lib Dems to ditch fees policy". It says:

> "The leaders of the Liberal Democrats plan to abandon the party's opposition to student tuition fees. Stephen Williams, Lib Dem Shadow Secretary of State…said that the policy was not sustainable…Mr. Williams said that Nick Clegg, the leader of the party, had come to this conclusion after 'long internal discussions'."

In September 2008, the original policy was apparently to be abandoned. We understood that, and that is what the hon. Gentleman said to *Times Higher Education*.

By 2009, there seems to have been rather a dramatic change. I have here an old Liberal Democrat press release—that is even sadder—from 17 March 2009, which is headed: "University fees should be scrapped not doubled—Williams". By March 2009, the Lib Dems were back to their election policy that university fees should be scrapped. Their policy, which had been carefully considered after a large amount of internal debate, was going, and they were back to saying that fees should go.

Then we had the excitement of the Liberal Democrats' party conference. By September 2009, we had a statement from the Liberal Democrats that was reported with the headline: "Liberal Democrats may ditch pledge to abolish tuition fees". It therefore looked as though they had once more recognised that, sadly, their policy was not feasible. It was reported that:

> "On the opening day of the Lib Dems' annual conference in Bournemouth, Clegg said he had to be 'realistic' about whether the flagship policy was affordable given the country's mountain of debt."

It looked as though the Lib Dems went into their party conference attempting once more to abandon their pledge to abolish their policy. However, after the latest set of changes—it is only because the hon. Member for Bristol, West is an historian by trade that I am taking the House through the background—we now understand that the Lib Dem leader is saying that

> "he could not scrap tuition fees in one Parliament but said he would do it over six years."

That is a subtle distinction. The policy cannot quite be done in one Parliament, but that extra year, taking us beyond the next election, suddenly makes it possible.

Given that we all know the kind of propaganda that the Liberal Democrats put about on the doorstep, both Conservative and Labour Members would appreciate it if the hon. Gentleman could confirm, perhaps in an intervention, that what I have described is an accurate account of the history of their internal discussions on tuition fees since the last election. We would all very much appreciate it if he could give us today's policy.

The Parliamentary Under-Secretary of State for Children, Schools and Families (Mr. Iain Wright): This hour's policy.

Mr. Willetts: Indeed. Will the hon. Member for Bristol, West, tell us that policy, so that we can tell the people who are sometimes taken in by wild and uncosted Lib Dem promises exactly what they are saying?

Mr. Jim Cunningham (Coventry, South) (Lab): I am grateful to the hon. Gentleman for trying to extract from the Liberal Democrats their policy on tuition fees. Is he aware that the students union also wants to know where things stand with tuition fees?

Mr. Willetts: The hon. Gentleman is absolutely right. I believe that the National Union of Students has said that the Lib Dem policy is as clear as mud. That is why it is so important to take this opportunity to find out exactly what the policy is and what the magical thing is that they will manage to do in the sixth year that they could not do in the previous five.

Mr. Simon Burns (West Chelmsford) (Con): Does my hon. Friend agree that even if he is fortunate enough to pin down the Liberal Democrat spokesman in the House, what the spokesman says will be academic? When

[Mr. Simon Burns]

candidates walk down streets and knock on doors, they will say anything, however contradictory, to any voter who opens the door in the hope of winning a vote.

Mr. Willetts: My hon. Friend is so right, but at least we are trying to find out. I have been trying to put on the record what we know about their policies so that we have an opportunity to ensure that we can authoritatively explain the position.

I have talked about higher education, and I want briefly to ask the Minister about where we are with skills and apprenticeships. There are ambitious targets on apprenticeships that are not being delivered. That is a similar story to what happened with the ambitious targets for participation in higher education. Will the Minister confirm that the latest quarterly figures for apprenticeship starts show that in the past three months, just 39,500 young people started a new apprenticeship? That is 26 per cent. fewer than in the same period last year. Will he confirm that those figures, sadly, show a decline in trend? That is despite the fact that they include apprenticeships at level 2, which is equivalent to GCSE level, whereas the Conservatives believe that apprenticeships should stand for what they have always stood for historically—qualifications at level 3, which is equivalent to A-levels. We would like to hear from the Minister about what is happening on his record on apprenticeship numbers. We are committed to shifting money from the Train to Gain budget to ensure that there are more opportunities for people to take up apprenticeships. Doing that, and having more places at further education colleges, is the right way to tackle the problems that young people face in this recession.

Tony Baldry (Banbury) (Con): The first line of my hon. Friend's motion refers to those

"not in employment, education or training",

which is a growing number. One difficulty for those not in education, employment or training is where on earth they should go for advice. Jobcentre Plus cannot give them advice, because it does not know where the jobs, education or training opportunities are, and Connexions seems to have disappeared for anyone who has left school. Will he confirm that when we come into government, the work clubs that we propose—some voluntary job clubs already exist—will be able to give advice to those who are not in education, employment or training about how they can get back into the world of work, or back into education or training? If that does not happen, those people will be lost for ever.

Mr. Willetts: What my hon. Friend says is so true. One of the real challenges and real problems that young people face is the disappearance of the careers adviser and the shocking weakness of information, advice and guidance. The Government produce report after report identifying that problem—indeed, it was powerfully expressed in the Milburn report on social mobility—but do nothing about it. They have an increasingly fragmented system. As my hon. Friend has said, Connexions appears not to be functioning as intended. That is why we believe in having a straightforward, all-age, independent careers service. It should be armed with the latest information available on the web, and more information should be collected than is currently available, so that young people will at least be guided through the maze that the Government have created of so many different vocational qualifications and training routes. That is very important.

Finally, the Conservatives have committed in our proposals to working together to ensure that the Department for Business, Innovation and Skills will work with the Department for Work and Pensions to tackle the problems that young unemployed people face. I welcome the presence of my right hon. Friend the Member for Maidenhead (Mrs. May) beside me on the Front Bench, because we are very aware of current criticisms about the Government's approach. The DWP welfare-to-work budget means jobs without training, and the fact that the Learning and Skills Council is paying FE colleges to churn out paper qualifications means training without jobs. The Conservatives are committed to ensuring that those two programmes are delivered in a coherent and complementary way, so that the work of FE colleges is focused on ensuring that young people are employable, and, equally, so that welfare-to-work providers focus on providing the training that young people need. We propose having incentives to reward them for long-term performance.

Andrew Selous (South-West Bedfordshire) (Con): My hon. Friend has mentioned FE colleges. He will remember the fiasco earlier this year when colleges such as the former Dunstable college, now Central Bedfordshire college, in my constituency were out of pocket. That college was left £700,000 out of pocket because of the situation regarding plans that it had proposed and money that it could not get back. Will he touch on what he foresees for the future of such FE colleges, after the way that they have been treated, in relation to their future capital budget?

Mr. Willetts: That is a widespread problem concerning FE colleges, about which there is a lot of unhappiness. What happened was that the colleges had become too dependent on LSC grants to pay for their capital projects, and so, as was shown by some figures that I obtained in a parliamentary answer, the proportion of the total capital spend that was coming out of the LSC capital grant was getting higher and higher. That meant that every £100 million was buying less capital than it used to. We believe that it is possible, with some ingenuity, to increase the effectiveness of the public budget to secure more FE capital.

The Conservatives are committed to tackling the problems that young people face and to ensuring that they have extra places at university next year. We are committed to ensuring that FE colleges can thrive without the level of bureaucracy and red tape that they face under this Government. We are committed to ensuring that further education and training will work alongside welfare to work. For those reasons, I commend our motion to the House.

1.37 pm

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): I beg to move an amendment, to leave out from "House" to the end of the Question and add:

"recognises the Government's commitment to maintaining investment in apprenticeships, higher education and skills and its commitment not to repeat the mistakes of past recessions, and to ensure that young people are not trapped in long-term unemployment; notes that since 1997 there have been 339,000 extra students in higher education, more than ever before, and that public funding has increased by over 25 per cent. in real terms creating the world-class higher education sector enjoyed today; further notes the Government's commitment to managed growth in higher education to sustain quality and success in widening access, creating the most diverse student population ever; commends the Government's commitment to helping graduates through the downturn; further notes that investment in apprenticeships today is over £1 billion in 2009-10, and that in 1997 there were only 65,000 starts compared to 240,000 in 2008-09; further notes the success of Train to Gain in supporting over 1.4 million course starts; commends the September Guarantee offering all 16 and 17 year olds an apprenticeship, school, college or training place; and acknowledges the Government's investment of £1.2 billion in the Future Jobs Fund to guarantee a job, training or work experience for every young person unemployed for 12 months, and the graduate guarantee giving graduates unemployed for six months a guarantee of a high-quality internship or training, or help to become self-employed."

First, let me wish the hon. Member for Havant (Mr. Willetts) a happy new year. I am pleased to be here in the Chamber at this early point in 2010 to put the Government's case yet again. It has been interesting to watch with marvel his transition from a flint-hearted monetarist to a caring, sharing and compassionate Conservative—perhaps securing his place in some future, distant Cabinet.

Mr. Boswell: I reciprocate, collectively, the Minister's best wishes for the new year. He mentions the year 2010; was not that the target year by which 50 per cent. of young people were to participate in higher education? Is that target being met? Is it the Government's intention that it should be met, or has it been tacitly dropped?

Mr. Lammy: As a former Higher Education Minister, and as someone who is recognised across the House as one who is constantly aware of the detail of issues, the hon. Gentleman will, I know, be aware that that is an aspiration of this Government and that it has been consistently opposed by the Conservatives. Labour Members are very proud of the participation rate of 43 per cent. and of the fact that more young people are in higher education than ever before.

Mr. Brian Binley (Northampton, South) (Con): I am delighted to learn of that aspirational facet of the Minister's great concern. Will he tell us simply when he hopes that aspiration will be achieved?

Mr. Lammy: If we continue to invest and to ensure, as we will, that despite having more students in higher education this year, there will be even more next year, we will meet that aspiration. Of course, in difficult economic times it is also important that students who need it get a grant to be in higher educ[illegible] grant that the Tories abolished and we intro[illegible]ll about managed growth, and we stand clear on that.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): I have met many young people in Blackpool who have benefited from the high aspirations put to them by the Government. Through the Government's Aimhigher programme and the reintroduction of grants, those young people are now going into higher education, which they had never before even thought about. They are exactly the young people who have benefited from the Minister's and the Government's programme.

Mr. Lammy: My hon. Friend is absolutely right. We stand by Aimhigher, and I know that my hon. Friend will be very sad to know that the Opposition are committed to abolishing that programme, which supports the poorest young people across the country to make their way into higher education. I hope that the hon. Member for South Holland and The Deepings (Mr. Hayes) will clarify his position on Aimhigher when he concludes the debate. We wish that the Opposition would match their words with deeds, which yet again we have not heard from the Conservatives today—it has to be action, not just words.

The Opposition motion talks about the Government's higher education policies, but it does not, of course, talk about what we have achieved, so it is important that I put that on the record this afternoon. Since 1997, the total investment in higher education has risen by 25 per cent. in real terms, while spending on science and research has more than doubled. That is a Labour achievement. The last decade has seen 340,000 more students get a place in our universities because of the 50 per cent. aspiration, making about 2 million more home students in total. Again, that is more than ever before in our country's history—another Labour achievement. There are more people applying to university from non-traditional backgrounds and from the most deprived constituencies than ever before, with applications from constituencies like mine up not just by 10, 20 or 50 per cent., but by 100 per cent. That has happened under this Government and is a result of such programmes as Aimhigher, which Conservative Members would scrap. Once again, this is a Labour achievement.

Mr. Marsden: My right hon. Friend is talking about the Government's achievements in this area and about people from non-traditional backgrounds. Does he agree that the important steps that the Government have taken to support and improve the situation for part-time students, which the Conservatives had left virtually without support in 1997, have played a significant part in the story?

Mr. Lammy: I am grateful to my hon. Friend for putting the position of part-time students on the record. It is this Government who have introduced support for part-time students for the first time. My hon. Friend will have seen that in our grant letter to the Higher Education Funding Council for England, we flagged up the position of part-time students. He will also have recognised that we asked Lord Browne to look specifically in his review at the further support that will be needed to get more equity into the system for part-time students. The Conservatives have not faced up to any of that.

Everyone recognises the huge £6.4 billion capital investment in our university infrastructure across the country. Science facilities are now there, whereas they were falling apart under the Conservative Government—not to mention our commitment to research and teaching. All of that has taken place under a Labour Government.

Mr. Jim Cunningham: Does my right hon. Friend agree that research and development is the lifeblood of manufacturing and industry in this country and that

[Mr. Jim Cunningham]

any proposals that Opposition Members have to cut that funding will have a major effect on the economy of this country, particularly in Coventry and the west midlands?

Mr. Lammy: My hon. Friend is right: we cannot get back to growth without a ring-fenced research budget or without a commitment to science, technology, engineering and mathematics. He will have been alarmed at the £610 million cut to my Department's budget that was proposed by the Opposition 18 months ago. They wanted to do that 18 months ago—before the further, deeper, quicker, faster cuts that were called for by the right hon. Member for Witney (Mr. Cameron) on "The Andrew Marr Show" at the weekend. That would mean that there was absolutely nothing to support advanced manufacturing, nothing to support the low-carbon industries that we need for the future, and nothing for our digital economy or for our life sciences. It would mean a cut to the budget that they rely on.

Mr. Cunningham: If that is the Opposition's proposal, does the Minister agree with me that it would have a major impact on apprenticeships as well? It will affect apprenticeships and industry, which shows that the Conservative policies are a sham?

Mr. Lammy: My hon. Friend knows that there is a £34 billion black hole in the Opposition's proposals that cannot be costed. It absolutely means the loss of those advanced apprenticeships that they say they want. He also knows that the Opposition are not only unable to explain where the money would come from, but are also proposing—I hope to hear more about this in the winding-up speeches—to cut and abolish Train to Gain. That would undercut the parents of young people—often those from the poorest communities—who will be deprived of the training and skills they rely on in order to move forward. The Opposition are also very equivocal about unionlearn, which we are very proud of.

Jeff Ennis (Barnsley, East and Mexborough) (Lab): On the potential future—or non-future under a Tory Government who want to scrap it—of Train to Gain, does the Minister agree that the employer reaction to the implementation of that scheme, not just from big employers but from the small and medium-sized ones, has been very positive, showing that this is the type of scheme that they want to participate in in greater numbers?

Mr. Lammy: My hon. Friend is absolutely right. The Tories are standing in the face of the CBI, small employers and the millions of people who have benefited from Train to Gain. Those people gained qualifications that they did not previously have. They are the engine of our economy—the people on the factory floor who want to improve their skills and drive the economy forward. Let me say that I remember the old CSEs, which meant young people in Tottenham being streamed off, failing to get the qualifications that they should have had. It is this Government who have put the qualifications back in place under Train to Gain.

Mr. Willetts: Let me clarify our position on two points that the Minister has made. We believe in refocusing Train to Gain on apprenticeships and pre-apprenticeship training, and we believe that that was the right decision to take, given the evidence that much of the Train to Gain budget is spent on training that would have happened in any case. We also believe this is the right decision in a recession.

Secondly, the Minister suggested that we did not believe in unionlearn. Let me make it clear that I have visited unionlearn projects and I believe that it does a valuable job in spreading access and knowledge of training. We do support unionlearn.

Mr. Lammy: Yet another difficult-to-believe conversion from the hon. Gentleman! This cosying up to the unions, my God! Most people will be very surprised to see the hon. Gentleman cosying up for beer and sandwiches with our unions across the country. We do not believe it.

Mr. Willetts: One thing that we like about unionlearn is that it is very cost-effective, and we in this party believe in the scrupulous management of public money. The amount of encouragement and training that one receives for relatively modest sums of money is very attractive indeed.

Mr. Lammy: That is amazing: the Conservatives are praising a Labour party policy—which they opposed—for its cost-effectiveness. This debate is beginning to make the Lib-Dem flip-flop on tuition fees look mild in comparison.

Another new-found concern is the one about young people who are not in education, employment or training. The hon. Gentleman often mentions them, but not the 4.6 million young people who are in work or in full-time education. That is an important figure, because it has risen from 3.9 million, which was the figure in 1997. Of course, at this difficult time for our economy, we are concerned about young people and, particularly, those who are not in employment, but that is why we have to stand by them at this time and not walk by on the other side.

I ask the hon. Gentleman to think back to the days—I think it was 1984—when he worked in the then Prime Minister's policy unit and the downturn was more severe because of the absence of Conservative proposals. They took the view that the recession and unemployment were a price worth paying. Yet again this afternoon we have heard nothing from the hon. Gentleman about whether he would keep the future jobs fund for young people and whether he supports our September guarantee for young people. They were not even mentioned.

We heard no proposals at all—other than 10,000 extra student places—to support young people at this time, even though the hon. Gentleman knows that, in any downturn, young people who are a long way from graduation are the people who are most affected. I have yet to hear one Conservative party proposal to support those young people. The hon. Gentleman has not uttered anything and, for a party that is serious about taking power in the upcoming general election, that cannot be acceptable.

Once more we heard the confused policy concerning 10,000 extra university places in priority subjects for one year. The right hon. Member for Witney repeated it at the beginning of the year, but said nothing about the dead-weight cost of £300 million and the fact that young people are already paying it back. Nothing has been said about that cost; and very importantly, nothing has been said about whether the hon. Member for Havant has received permission from the hon. Member for Tatton (Mr. Osborne) to increase public borrowing to meet that extra cost. The increase is inevitable, because the Government borrow the money. The proposal would add to the current deficit, which the hon. Member for Havant says he is against. I see him squirming, because he is not used to not doing his maths, but he would add to the deficit for the taxpayer, and the policy is uncosted.

There is also the question of who the Conservatives would really help. Which students would be most likely to pay back that money? What constituencies would they be likely to live in? Surely they would be from better-off families. The policy feels like the Conservatives' position on inheritance tax—benefiting the few over the many—and that cannot be a sensible way to proceed.

Mr. Willetts: I should like to make the situation absolutely clear. Extra cash would go to the Exchequer because the policy would involve the early repayment of student loans. The people who would benefit are marginal students who, otherwise, would not have got places at university; and we all know that, sadly, those students are most likely to come from less-advantaged backgrounds. Like so many policies from today's Conservative party, it is a highly progressive measure.

Mr. Lammy: How can another form of borrowing be a highly progressive measure? Will the hon. Gentleman confirm that it is another form of borrowing?

Mr. Willetts: No; it is not.

Mr. Lammy: The hon. Gentleman says from a sedentary position that it is not, but I must put on the record that that is a mistake. He does not understand the way in which Government finances work, and again the public cannot take that proposal seriously.

The hon. Gentleman rightly referred to the problems that we have had at the Student Loans Company, and I have been at pains to ensure that, on this issue, the House has been kept fully informed at every stage. I shall do so again today. The company informs me that by 11 January, 918,600 students had had their student finance approved. That is 48,000 more than at the same point last year, and I hope that the whole House will join me in welcoming the assurance, which I have received from the company chairman, that he is taking the action that is required to improve the service so that students and their parents receive the service that they rightly expect.

I know that there has been concern about students who have applied for disabled students' allowance. Just over 19,000 applications have been made this year: 6,000 have been approved; and more than 9,000 await further information from the applicant or the assessment centre. The hon. Gentleman will understand that every year students take into their own hands the process of going to receive their medical assessment, and I hope he recognises that about 70 per cent. of those students present with dyslexia. Many take some time to go through the assessment process, but over the exam period their many requirements prompt them to move quickly through the process.

Fiona Mactaggart (Slough) (Lab): On exactly that point, I have been approached by the mother of an autistic constituent whose travel to the Guildford college where he does a music degree was paid for last year. A taxi driver has taken him to college since last term, but the student has not received his funds and the taxi driver has not been paid. Nobody is asking for more information; the work just has not been done. If the Minister could look at the case, he would really help that anxious student, his anxious mother who has just been diagnosed with an illness and the small taxi company that is losing money because of the problem.

Mr. Lammy: I am happy to ask the chief executive of the Student Loans Company to look specifically into that case. By necessity, all such cases are complex and there is an onus on the company to ensure value for money and probity in the applications that are made. However, my hon. Friend refers to a situation in which the student previously received funds, so I am happy to look into what has happened.

Importantly, overall we are doing all that we can to help young people during this difficult time. The foundation stone of much of that work is the young person's guarantee, and on that point I should like to clarify our amendment. We announced in December that that guarantee, including the future jobs fund, would be available to young people after six months of unemployment. The £1 billion future jobs fund is part of the Government's overall investment of £5 billion to help young people back to work during the recession. The White Paper, "Building Britain's Recovery", which my right hon. Friend the Secretary of State for Work and Pensions published before Christmas, announced that the young person's guarantee will be extended, so that all 18 to 24-year-olds still unemployed after six months will be guaranteed access to a job, training or work experience. This will be supported by more time with their personal adviser and a proper personalised back-to-work plan.

Mr. John Hayes (South Holland and The Deepings) (Con): While the Minister is on the subject of guarantees—and I apologise for drawing him back to the student loans issue—he did not clarify the position for January and February admissions. He will know that a significant proportion of students enrol in those months, so can he give the House an absolute assurance that they will have no problems with their finances?

Mr. Lammy: The process for this year began just before Christmas. It is under way and it is going well at this stage. There is a commitment from the Student Loans Company—from the chair and chief executive, right through the company—to act on the report by Sir Deian Hopkin to ensure that it does not make the mistakes that were made last year in processing and scanning, or in people's inability to contact the company. I am sure that, like me, the hon. Gentleman will continue to hold the company to account to ensure that that commitment is honoured.

Rob Marris: My hon. Friend has set out the considerable achievements of this Government in higher and further education and employment for young people. We need to protect research and investment in education and

[Rob Marris]

training to hasten the economic recovery and employment, especially in manufacturing. However, how could that be done with a £915 million cut in higher education? Would further education pick up the slack?

Mr. Lammy: My hon. Friend asks a good question—he raised the same issue before Christmas—and if I may, I will come to that point later. We are supporting graduates at this time. We are committed to internships and I am pleased by the level of applications from young people on the graduate talent pool, and the fact that employers are coming forward in their thousands with internship places. The regions are acting to ensure that young people have something to do and can acquire the skills that industry and business say that they need. A range of opportunities is being provided across the country, and the Small Business Federation—as my right hon. Friend the Prime Minister announced—has been able to support our drive to ensure the provision of internships.

We are also ensuring that there are 24,000 extra places for postgraduate study in the system, as well as more volunteering opportunities and support for young people who want to set up small businesses after graduation.

Mr. Marsden: My right hon. Friend mentioned the importance of the regional dimension in the Government's initiative. I know that the Northwest Regional Development Agency is playing a critical part, together with HE and FE institutions. Does he think that the potential for such action in the future would be helped or hindered by the abolition of RDAs, as suggested by the Opposition?

Mr. Lammy: My hon. Friend is right that we have relied on RDAs to be responsive to the very different industrial and jobs situations in their areas. They have connections on the ground and have drawn up sector plans and engaged with local authorities. That is not something that can come solely from the centre, and I am surprised and staggered that the Opposition would abolish RDAs, which have done so much to ensure that this downturn has been a lot less severe than it might otherwise have been for young people.

David T.C. Davies (Monmouth) (Con): I have had eight years of first-hand experience of one of the Minister's RDAs—the Welsh Assembly—and I can assure him that the only jobs created there were for fellow civil servants at very high public sector rates, and with pensions to boot. I hope that I might one day be able to persuade my hon. Friends that not only should they get rid of the RDAs, but they should follow that up with getting rid of the Welsh Assembly, which purports to do the same thing in the Principality—and the Scottish Parliament, too.

Mr. Lammy: The people of Wales, who democratically elected the devolved Assembly, will be offended by that caricature of it as a regional development agency.

In the grant letter to the Higher Education Funding Council for England that my right hon. Friend the Secretary of State issued last month, he asked the university sector to make relatively modest cuts efficiently. The cuts will be made in a way that reduces the impact on front-line services. For example, the planned reduction in funding for teaching is only around 1 per cent. of the overall budget. It is our belief that, in times of pressure, we need to use money effectively. I hope that hon. Members will recognise that families across the country are making cuts to their budgets of much more than 1 per cent.

The Chancellor, in the pre-Budget report, asks for further savings of £600 million in 2010-11 and 2011-12, but we have not yet had the comprehensive spending review. That will come later in the year, so it is wrong to give the impression that there is a £900 million cut in the next financial year. There is nothing of the kind. There is a saving that the sector has to meet, but there will be a small cut of 1 per cent. in the teaching grant. We are committed to continuing to invest in capital spend to ensure that the infrastructure is in place.

The Opposition have said that they would make deeper cuts, quicker and sooner. That is what the right hon. Member for Witney said at the weekend. Previously under the Tories we saw unrestricted and unfunded university expansion, with institutions going to the wall, and that is what would happen if they took £610 million out of the HE budget—as they proposed 18 months ago—and if even more severe cuts were made. We would see failing financial support, stagnating student numbers and the undercutting of research and science. I remind the hon. Member for Havant of the Save British Science campaign of those days. That is the absolute opposite of what we have now, with further investment in science and research—

Rob Marris: I am somewhat reassured by what my right hon. Friend has just told the House. However, he mentioned a 1 per cent. cut, and I agree that, while hard, that is belt-tightening for these difficult times. The shadow Minister referred to a 5 per cent. cut in the unit of funding between that for 2007-08, at £4,140, and that for 2010-11, at £3,950. Can the Minister explain the difference, or has the shadow Minister got his figures wrong, trumpeting a 5 per cent. cut when it is in fact a 1 per cent. cut?

Mr. Lammy: The shadow team has got its figures wrong. In the Budget last year, we asked HEFCE to find a cut of £180 million. In addition to that, we asked for a further £135 million cut in the grant letter for this period, which would account for a cut of about 4 per cent. in the overall budget for this financial year. The £600 million is for future financial years, and therein lies the difference. This is set against a backdrop of a 25 per cent. increase in investment, and against a backdrop in which the Government commit more than £12 billion of funding to higher education and the sector is able to raise more than a further £7 billion in investment from private, commercial and charitable sources. It is able to do that because of the investment that we have made previously.

Mr. Willetts: Will the Minister just confirm that the figures that I gave in my speech were directly taken from the annexe to the letter sent to the HEFCE, which showed that the unit of support had decreased from £4,140 to £3,950? Those are not my calculations; they are two figures that appear in the document. They show the 5 per cent. cut to which the hon. Member for Wolverhampton, South-West (Rob Marris) refers.

Mr. Lammy: As I have said, the cuts in the sector amount to the £180 million to which we referred previously and the £135 million to which we are referring now. Of course that affects the unit of resource, but that must be set against a background of further investment. Indeed, we are able to increase that further investment this year, notwithstanding the efficiencies that we have asked of the sector, and that is the point. The picture is very different from the one that we inherited in 1997, which is why we should be proud of the increase in participation and the facilities across the country that have resulted from this Government. We are clear that this sector, like others across the country, has to assist in these difficult times, but it does so against a backdrop of our recognising that higher education is key to future growth and that we must continue to ring-fence science, technology, engineering and mathematics.

Mr. Hayes: I know that the Minister would want the House to understand this fully. He has spoken of a 1 per cent., cut but in answer to the intervention from my hon. Friend the Member for Havant (Mr. Willetts) about the unit of resource he acknowledged that there was a 5 per cent. cut. Is the Minister arguing that other increases mean that there is a net 1 per cent. cut, or was he wrong to start with? The cut cannot be both 1 per cent. and 5 per cent.

Mr. Lammy: The hon. Gentleman has failed to listen carefully to what I have said, because I have made the position clear. We are talking about an addition in the grant letter that we issued just before Christmas. Our position stands in direct contrast to the Conservatives' proposals and attitude to higher education in the past, and to the deeper cuts that the right hon. Member for Witney has outlined already.

Fiona Mactaggart: The facts on the ground in my constituency show that we have made a real difference in improving people's skills. We were a long way behind most of our neighbours, but Slough has really made progress. This is not just about the colleges and the local authority; this is about a real partnership between business, training providers and local community organisations, which was initiated by the then Secretary of State with responsibility for universities when we had a skills summit in Slough, and has made real difference. One of the difficulties that we have recently encountered relates to Thames Valley university. It has chosen to relocate out of the town, which has local people—

Mr. Deputy Speaker (Sir Michael Lord): Order. I am sorry to say that the hon. Lady is starting to develop her intervention into a speech. If she could now turn it briefly into a question, that would be helpful.

Fiona Mactaggart: The last two words that I said were "what can", and they were the first two words of my question. What can MPs, the Government and local bodies do when an autonomous university takes a decision that damages the opportunities for people in a particular area?

Mr. Lammy: These are rightly matters for the funding councils, and all Ministers have to tread lightly with autonomous institutions. I hope that my hon. Friend has made representations to the relevant funding council. I am happy to look closely at the specifics with regard to Thames Valley university, but I am glad that she recognises the investment that has been made and the threat that exists from the Conservative party, notwithstanding the half-hearted attempts that it has made, yet again, this afternoon to position itself as the party that supports students. With that, I give the Floor to the rest of the House.

2.15 pm

Stephen Williams (Bristol, West) (LD): I do not know whether this is the case for some or most hon. Members, but the 1979 general election is the first that I can remember, so I shall start by discussing a historical point, just to humour the hon. Member for Havant (Mr. Willetts). That last Labour Government ended with a miserable winter, and a crisis in the economy and in the public finances, so we have been here before. Of course, that was followed by an even worse situation: the recession of the early to mid-1980s, when we saw large-scale industrial shutdowns, mass unemployment and devastated communities, including the one where I grew up in the south Wales valleys. Tragically, many of the people who lost their jobs at that time, particularly if they were over 40, never found meaningful or well-paid employment again.

Unemployment is rising again at the moment. In my constituency, it has almost reached its level 13 years ago, when this Government came to office. In the neighbouring Bristol constituencies, in particular Bristol, North-West, it has exceeded the level at that time. This recession hits the young in particular, who are the topic of this debate.

Kelvin Hopkins (Luton, North) (Lab): The hon. Gentleman refers to 1979 and what happened subsequently. Does he agree that the savage process of de-industrialisation that began at that time has caused terrible damage to our economy and made it unbalanced, and has meant that there are fewer of the opportunities for apprenticeships and training that manufacturing used to provide?

Stephen Williams: I thank the hon. Gentleman for what he said, because I agree with much of it. I particularly agree about the callous indifference shown by the Government of the day to the consequences of their policies. I recall that when I arrived at Bristol university at the end of the miners' strike—arguably the strike made matters worse—I had to explain to many of my new-found friends from other parts of the country what it was like to grow up in a declining industrial area where that decline had been precipitated, and the incline to climb had been made much steeper, almost deliberately as a result of Government policy. We must ensure that we do not fall into that same situation again.

David T.C. Davies: I am grateful to the hon. Gentleman for giving way to the grandson of a miner from the south Wales valleys. Can he confirm that Labour in the 1960s, under one Mr. Anthony Wedgwood Benn, shut down far more coal mines than Mrs. Thatcher did in the 1980s?

Stephen Williams: I thank the hon. Gentleman for his intervention, but I do not think that we want to spend the entire debate discussing what happened in the '60s, '70s and '80s. We want to focus on what is happening in this second decade of the 21st century.

Young people are bearing the brunt of this recession. The unemployment rate among 18 to 24-year-olds is in excess of 17 per cent., 40 per cent. of the total number

[Stephen Williams]

of unemployed people is accounted for by 16 to 24-year-olds and a fifth of young people who are without work have a degree. This is the worst graduate job market for a generation. It is particularly apposite at the moment to remember that this is the first generation of graduates who have left university under the new top-up fees regime, with £9,000 of student debt. I assure the hon. Member for Havant that I shall deal with that point shortly. The recession also compounds the situation of those at the other end of skills achievement who are not in education, employment or training. The number of NEETs is now heading towards 1 million. That truly shocking state of affairs illustrates the stagnation of social mobility after 13 years of a Labour Government.

We need emergency measures to help the young unemployed, whatever their skill set might be. The Minister mentioned that the Government had already amended their own training guarantee. It was originally set at 12 months, so that anyone over the age of 24 who had been unemployed for 12 months could get training. It is now set at six months. The Liberal Democrats have suggested that there should be a 90-day promise, and that no young person should be unemployed for more than 90 days. We would bridge the gap by offering paid, funded internships. Those unemployed people are being funded anyway by the DWP through their jobseeker's allowance, and it would be much better to pay £55 a week so that they could take up an internship in a company.

The public sector, including the House of Commons and the rest of the parliamentary estate, could certainly do its bit on that front. There are many things that we could say about internships, and the detrimental effect that they have on social mobility and fair access to some professions, but Parliament could certainly do its bit and give more funding for the interns that we all rely on—

Rob Marris: Not all of us.

Stephen Williams: Many of us rely on them in order to carry out our parliamentary work, and I am on record as saying on several occasions that our budget for resourcing staff placements in Parliament should reflect that. In the present context, paid internships instead of JSA would provide a much more productive and meaningful experience for those young people at what should be the start of their working careers.

In the longer term, we also believe that there should be more funding for apprenticeship places. There happens to be common ground on this matter between both Opposition Front Benches. We believe that the funding should be found from the Train to Gain budget, especially for the off-the-job training costs of those who are taking up apprenticeships in small and medium-sized enterprises.

Also in the longer term, there should be a fairer way of funding higher education than simply loading more debt on to students. On that note, I have informed the Speaker's Office and those on both Front Benches that, by sheer coincidence, I am going to give the Liberal Democrats' views to Lord Browne for his review of higher education at 3 o'clock today. I am sorry that I might therefore not be here for the final moments of this debate.

The hon. Member for Havant took us through what he described as the historical journey of our policy development, but he left out several stages. He mentioned Gladstone, who was at one point the rising hope of the stern and unbending Tories but over the course of his career became the people's William. Political parties—the Liberal party, the Conservative party or the Labour party—are not frozen in aspic, never to develop their policies, have a rethink or respond to circumstances. We all change over time. That was the situation in the 19th century, and it is certainly true of the 21st.

Political parties have to respond to events and, occasionally, review where they are coming from. I acknowledge that we had difficulties with our own review of higher education policy. We started that policy review in a completely different economic environment, back in 2006-07, and I do not think that any of us really foresaw the economic catastrophe that was going to come our way. We have been honest, however, in saying that we are now not going to be able to say some of the things that we would have liked to say at the next general election. All three parties are going to have to face up to that economic reality.

On principle, however, I still think that tuition fees are a rotten way of funding higher education. They are unfair to students; it is not good to load people up with debt. If the Browne review, about which I will know a lot more after 3 o'clock this afternoon, leads to increased tuition fees and a market in higher education, many of the things that we have warned about over the past decade will come true, and people will find it increasingly difficult to access higher education.

We would still like to remove tuition fees; that is our principled stance. We recognise, however, that that cannot be done immediately, at the start of the new Parliament in 2010. Instead, we would phase them out over a six-year period, starting with the people who were in the final year of their degree. That would mean that every student would be better off, having reduced their debt burden by the end of that six-year period. I hope that that clarifies matters for the hon. Member for Havant.

Mr. Burns: I am grateful for that clarification. As I understand it, the Liberal Democrats' manifesto commitment will be to phase out tuition fees over six years, rather than to abolish them outright. Is that correct?

Stephen Williams: I am not quite sure what difference the hon. Gentleman is trying to tease out. We would phase out tuition fees so that, at the end of the six-year period, they would be abolished and would no longer feature in the funding mechanism for higher education.

Mr. Burns: I am grateful for that sort-of clarification. Does the hon. Gentleman think that it is somewhat misleading for a Liberal Democrat press release on 18 December to state:

> "Liberal Democrats renew pledge to abolish tuition fees"?

It goes on to say:

> "The Liberal Democrats have announced that they will keep their policy of abolishing university tuition fees in their manifesto for the 2010 General Election."

There is no mention of phasing them out over six years. This is a reiteration of the Liberal Democrats' original commitment to abolish tuition fees. Another thing that surprises me is the disclaimer at the bottom of the press release:

> "The views expressed are those of the party, not of the service provider."

Stephen Williams: I congratulate the hon. Gentleman and his colleagues on the Front Bench or in the Whips Office, or whoever has been feeding him these press releases.

I repeat that all political parties have to respond to the dire economic circumstances in which we find ourselves. We have made it clear that, on principle, we do not believe that tuition fees are a fair way for students and graduates to contribute to the cost of their higher education. Over time, we would phase out that funding model so that, at the end of six years, tuition fees would form no part whatever of funding for higher education. I do not think that I can be any clearer than that, so I shall now move on to the other elements of my speech.

Mr. Burns *rose*—

Stephen Williams: I have been quite generous to the hon. Gentleman. I have already given way to him twice, and that is where I am going to end it.

Mr. Jim Cunningham: We now understand the Liberal Democrats' stand on tuition fees—or, at least, I think we do. We have a rough idea of what it is, anyway, but the hon. Gentleman has not yet told us what they would do with the outstanding debt.

Stephen Williams: That is an interesting question. At no point—either in 1998, when my party initially opposed the introduction of tuition fees; in 2004, when we opposed tripling them to £3,000 a year; or at the 2005 election, when we said that we were committed to abolishing them—did we say that our policy was retrospective and that we could wipe out the debts that had already been incurred. I do not think that any party would say that. I do not think that we have ever implied that any policy of ours would be retrospective. If it helps the hon. Gentleman, I am happy to place that on record now.

Mr. Cunningham: I think that the hon. Gentleman is misunderstanding me. I am not trying to twist any policy that the Liberal Democrats are expounding. I am saying that, if they abolished tuition fees, even after six years there would still be an outstanding debt that would have to be either repaid or abolished. I am merely asking him where he stands on that.

Stephen Williams: I do not think that any party could reasonably say that it was going to abolish a debt that had been contractually entered into and incurred for a service in higher education. That is why we are saying that we will phase out tuition fees over six years, starting with final year students, so that there will be no further accumulation of debt. We would not abolish the debts incurred by students who are currently in the system during their first or second year. They would still have to make repayments of that element of the debt. However, as they enter the final year of their degree courses a further £3,000 worth of debt will not be added to the debt that has already accumulated. Over time the next cohort of graduates will be better off, and after six years all graduates will undoubtedly be better off. *[Interruption.]*

I think that I have now said enough about Liberal Democrat higher education policy. I entirely welcome discussions of Liberal Democrat policy, but if Members want to embark on a general discussion, the best way to ensure that that happens is for the Minister for Higher Education and Intellectual Property to lobby the leader of his party, the Prime Minister, and to ask him to call an election. Then we can get on to the hustings and engage in such a discussion.

I, at any rate, am setting out what my party will offer students at the general election. Both Conservative Front Benchers and the existing Labour Government will be saying to students "Wait and see what happens", rather as people said before the 1924 or the perhaps the 1923 election. They will say "Wait and see what is in Lord Browne's review." I think that students, whether or not they like what is offered by the Liberal Democrats—we recognise that ours is not a perfect solution—will at least give us credit for offering them an alternative rather than saying, as the Conservative and Labour parties will both be saying, "Wait and see what the review comes up with. We are not going to give your generation a meaningful choice."

Mr. Binley: Will the hon. Gentleman give way?

Stephen Williams: Yes, but this is the last time I shall give way on this subject.

Mr. Binley: I am confused, as many people in the country will be. Will the hon. Gentleman tell us why the Liberal Democrats have chosen six years, and will he explain the economic thinking behind that? Is there any special formula which we need to know and which will help my constituents?

Stephen Williams: I think that we have engaged in enough discussion on this subject. We shall welcome the debate when the hustings finally arrive. The hon. Gentleman could have intervened on the hon. Member for Havant at any point to ask exactly what the Conservative party would be saying.

Mr. Binley: I have asked you.

Stephen Williams: The hon. Gentleman could have told us what he will be saying to students in his constituency about what the Conservative party is offering. He cannot give a clear answer. At least I have an answer for students.

Mr. Willetts: Will the hon. Gentleman clarify one point? Is his party proposing to replace the income that universities will lose if—in some way unspecified—fees are abolished?

Stephen Williams: Yes. It has consistently been our position that the income hypothecated from fees that universities currently receive from the Treasury via the Higher Education Foundation Council for England should continue. In cash terms, there is very little difference in the short term in any event. The Treasury continues to hand over the roughly £3 billion a year equivalent of fee income, and it will be quite a long time before the present generation of graduates repays that money in cash terms. What we are focusing on is, in fact, an accounting difference. By the end of that six-year period

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we will certainly have found a better way of funding higher education in the long term. As I shall say to Lord Browne very shortly, I hope that his review will take an open-minded approach not just to an extension of the fees model, but to alternative models that have been proposed and are worthy of consideration.

Let me now leave the subject of central Government, for local government has a role as well. I was pleased to note on Monday this week that Bristol city council, which is now under Liberal Democrat control, has welcomed 19 new apprenticeships in fields as diverse as security services, recycling, finance and the museum service. However, it is not just the state that has a contribution to make. A contribution can also be made by social enterprise, which is a theme that I have raised many times during debates of this sort. I am thinking particularly of organisations such as Aspire, which, in my constituency and elsewhere in Bristol, gives work to people who are not in education, employment or training—as well as recent offenders—in, for instance, ground maintenance, window cleaning and other practical skills.

That social enterprise and many others would benefit from more flexibility on the part of both central Government and local government in the awarding of contracts. The Government have a multi-billion-pound procurement budget, but far too much of it is spent with large companies rather than small and medium-sized enterprises or social enterprises. Charities also have an important role to play. I have often mentioned Fairbridge, which is based in my constituency, and I recently visited the Bristol Foyer in the city centre. All those organisations work hard to provide young people with an informal route back to learning and employment.

In the long term, we need to develop a low-carbon economy in which people also have digital skills. Another Liberal Democrat policy that does not receive much attention from the other parties involves the offer of bursaries to enable people to study stem subjects at university. That is important, as is the advice given to children at school on the opportunities that are open to them, so that they know that a career in engineering is not only worth while in itself but an important contributor to the finding of solutions to the challenge of climate change.

The Conservative motion mentions the Student Loans Company. I hope that the Minister will confirm not only that the existing, or in some cases the new, management of the company has learnt the lessons of the debacle of the past year, but that he is tracking its progress to ensure that the next tranche of applicants do not face the same situation.

Mention has been made of the £600 million of further cuts in higher education that were proposed in the pre-Budget report. The Minister said that we have not had the comprehensive spending review. That was, of course, the choice of the Government and the Chancellor, rather than the result of some external factor visited on them. However, the pre-Budget report specifically mentioned that those cuts would be imposed on the existing arrangements for student maintenance. Will the Minister clarify what he thinks will happen to student maintenance, and also to the science budget? We are still in the 10-year guarantee period during which the current Prime Minister and the former science Minister, Lord Sainsbury, said that the Government would ring-fence funding for science, yet the pre-Budget report implied that the science budget was one of the options for cuts. If it is not, why did the pre-Budget report imply that it was?

The pre-Budget report also mentioned two-year degree courses. I am not necessarily conceptually opposed to them, if it is possible for students to complete, say, vocational degree courses in a condensed period of two rather than three years. Foundation degrees already exist on the basis of that principle, and I see no reason why it should not be considered for other degrees. However, we should bear in mind the practical implications, given that this country is a signatory to the Bologna process. Perhaps we could hear from the Government what discussions have taken place about the possibility of a shorter English degree course. English degree courses are already among the shortest in Europe. Surely, if there is to be a fundamental reform of higher education provision, it should be well thought out, and the result of a review rather than a knee-jerk response to what we hope are short-term budgetary pressures.

The motion also mentions freeing up further education. Last night I was pleased to respond to a speech given by Professor Alison Wolf on the occasion of the launch of her book "An Adult Approach to Further Education" at the Institute of Economic Affairs. Among her many interesting comments was the observation that further education is treated unfairly in this country, particularly in the light of the resources given to higher education. We believe that in the long term there should be a more level playing field, especially when further education is delivered in a further education or community college context.

In conclusion, we need a fairer system of funding across higher education, further education and apprenticeships. If we are to have that fair and open intellectual—if not financial—market, students must be well informed through receiving impartial advice and guidance. So far in this recession, young people have borne the brunt of our worsening economic circumstances, and they need measures to help them now, but in the long run, it is through education and skills that we can drive social mobility and build a sustainable and prosperous future.

2.40 pm

Jeff Ennis (Barnsley, East and Mexborough) (Lab): I begin by congratulating the Opposition for once—this is not something I often do—for calling a debate with substance. The subject is very important in all our constituencies and throughout the country. People in Barnsley and Doncaster, the towns I represent, know only too well how difficult it is to come through a recession. We particularly remember the 1980s, of course, when the Thatcher Government decided to close all our pits almost overnight, thereby making 30,000 people redundant at a stroke and consigning a generation of young people to the scrapheap. The catchphrase at that time was that unemployment was a price worth paying.

David T.C. Davies: Is the hon. Gentleman not aware that a significantly larger number of pits were closed under the Labour Government between 1964 and 1970? Why do Labour MPs always forget that?

Jeff Ennis: I am delighted that the hon. Gentleman has raised that point, and I shall address it. He mentioned the fact that in the 1960s Tony Benn closed more pits than Mrs. Thatcher and Mr. Heseltine ever did. That is absolutely right, but let me explain the difference. In the 1960s, a lot of the pits that closed were worked out: everybody who has ever been involved in the mining industry knows that a pit has only a specific lifespan before the coal is worked out. All the pits we closed in the 1960s were worked out. I shall give the hon. Gentleman a classic example. My local pit, Grimethorpe colliery, where my dad worked, closed in 1993 under the Heseltine pit closure programme.

Mr. Deputy Speaker: Order. I am reluctant to stop the hon. Gentleman, but I should just say that it is the next debate that is about energy security. I think he is in the right debate and has been led astray by the hon. Member for Monmouth (David T.C. Davies), but it would be good if he could now bring his remarks back to education.

Jeff Ennis: You are absolutely right, Mr. Deputy Speaker: I have been led astray. The hon. Gentleman has drawn the comparison, however, so let me say that when the Grimethorpe pit was closed it had 60 million tonnes of workable coal left, and in the last six weeks of production it made £250,000 profit. What Government of any persuasion would be so insane as to close a pit in such circumstances? I would hope that Opposition Members have learned that lesson from history. From what we have heard from them so far today, it appears that they might have done so, so perhaps their party is now more compassionate.

This is an important debate, and it gives Labour Members the chance to shine a light on the raft of measures that the Government have introduced since we came to power to support young people in their education, skills and training in times such as the current recession. I wish to focus most of my remarks on the future jobs fund and how we are implementing that in Barnsley, particularly to assist young people with limited qualifications; I am talking primarily about people who would be categorised as NEETs—those not in education, employment or training.

The FJF was announced in the 2009 Budget, and it forms part of a range of initiatives aimed at reducing benefit claimants in the 18-to-24 age range, under the young persons guarantee. The FJF is one of the largest national jobs programmes, and will create nationally 150,000 new jobs over two years, of which 100,000 are for 18 to 24-year-olds, under the young persons guarantee. Also, 50,000 jobs will be created in areas of high unemployment. The recipients can be of working age, but they must come from an area where unemployment is 1.5 per cent. above the national average, based on the claimant count. These areas are known as hot spots, and the vast majority of wards in my constituency fall into that category. The programme is being managed by the Department for Work and Pensions. Jobs must last for a minimum of six months, be additional and benefit the community, and the Department will pay £6,500 per job created.

I want to shine a light on the Barnsley scheme, because I consider it to be the Rolls-Royce scheme. It is currently being administered by the Barnsley Development Agency. Barnsley has committed to creating quality, real jobs for up to 12 months, rather than for the minimum of six months. We have achieved that through the local authority and partner organisations deciding to match the DWP contribution; indeed, Barnsley metropolitan borough council is contributing £2.5 million from its own budget to the project. In other words, we are putting our money where our mouth is. Barnsley council is one of only 14 Labour councils left in the country, but after the next elections—the general and local government elections might be held at the same time, in May—there will be a lot more Labour councils, and also the retention of the Labour Government.

Over the next two years, the council will create 412 jobs, with another 162 provided by partners in the public and voluntary sectors, and it is hoped that a further 40 jobs will come from the private sector. Therefore, a total of 644 such jobs will be created in Barnsley over the next two years. So far, 178 people have started on the programme since it was launched. Barnsley council, through its various departments, already has 149 people, the primary care trust has two, Barnsley Hospital NHS Foundation Trust has six, Voluntary Action Barnsley has six, South Yorkshire Joint Secretariat has one, Barnsley college has two, Barnsley Community Build has five, Berneslai Homes—the arm's length management organisation for the council houses in Barnsley—has five, and Priory Campus, in Lundwood in the constituency of my hon. Friend the Member for Barnsley, Central (Mr. Illsley), has two.

A unique aspect of the Barnsley scheme is the fact that it is providing wrap-around services to the people being employed under it. That will be the key to its success, and it should be replicated across other schemes. The features of the wrap-around service include the provision of a rapid recruitment service. The aim is to get people on to the scheme within six weeks of the original application, when they have been out of work for, say, 12 months. The scheme is achieving that average, but whereas sometimes people get on it within a week, at other times it can take up to 10 weeks. That is because of the need for Criminal Records Bureau and occupational health checks.

The scheme also provides a tracker system, which keeps real-time information on the people being employed, such as through real-time returns from employers. The Barnsley Development Agency can keep a record of each individual from the application stage onwards, and it knows where they are in the system—at interview stage or pre-employment stage, perhaps, or near the employment start date.

Another feature of the scheme is that weekly updates are given on the vacancy profile to all people on the scheme from Jobcentre Plus, to try to get as many of them off the scheme and into jobs as quickly as possible. There is also a pre-employment training day, which is funded by TUC training—that is part of the training for people who fall into the NEETs category—as well as personal mentoring via individual opportunity advisers. An initial assessment is also provided leading to Skills for Life training. Another important feature is vocational training up to national vocational qualification level 2 and training for health and safety qualifications. After three months on the scheme, CV-building and job search opportunities will be provided.

The Barnsley scheme was the first such scheme to launch in the country, on 5 October in the new civic hall in Barnsley, and more than 160 new employees were

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welcomed to the world of work by the council leader, Councillor Steve Houghton, and their new employers. For many, this was the first day of work for some considerable time. I had the opportunity to address many of the new employees, and looking at the faces of all those people who had never worked before, it was clear that their first day of work was an emotional occasion. We have generations of people in the workless category. Some are the third generation who have never had jobs. The start of their active employment in the community was a great day.

Between October and Christmas last year, 178 people gained employment through the future jobs fund, and a further 100 will do so before Easter 2010. The existing candidates all completed an initial assessment that ascertains their current education level and indicates appropriate training. Many started that training after enrolling in Barnsley college. I am glad to see the Minister for Further Education in his place. I pay tribute to him for securing the £30-odd million funding to build the new Barnsley college. I am sure he will remember the sunny day that we had in October last year, when he performed the first sod-cutting of the new campus. That campus will be a fantastic asset to all future learners in Barnsley.

Many clients are already attending interviews for jobs. I am glad to say that just before Christmas one of the people on the scheme, Miss Bernice Baines, was employed in a full-time capacity by a Department. There are currently 174 people on the programme, 56 of whom are young people, and 122 are from the so-called hot spots to which I referred. The scheme has a target to achieve an equal split between young people and hot spots. There were another 20 new starters before Christmas.

The Barnsley scheme is acknowledged regionally and nationally as a model of good practice. We understand that our wrap-around support is unique. We strongly believe that that has contributed to our retention rates. Indeed, the Improvement and Development Agency, which is part of the Local Government Association, has been in touch to ask to write up the Barnsley programme as a case study.

I have witnessed at first-hand the added value that some of those workers are providing. During the past few weeks when we have had snow on the ground in Barnsley, many of those employed by the council in neighbourhood service have been playing a valiant role in clearing the pavements and roads, particularly on the old people's estates, where all our bungalows are, and keeping old people on the move so that they can get to local shops. That has been an added bonus from the scheme.

As for the next steps, it is obviously important for the scheme to maintain its integrity, from both a client and a partnership point of view. The council is looking to increase partner members in both the private and the public sector and hopes to extend the scheme to a greater range of jobs and opportunities. The council is also trying to attract finance and funding from other funding agencies to support the programme.

With every scheme, though, there are a number of risks. For example, it is often difficult to find other organisations that can provide match funding so that the scheme can be extended. Another aspect that causes concern in Barnsley is the restriction on engaging the private sector. One of the key criteria is that the businesses involved in the scheme must be of community benefit, such as not-for-profit organisations or social enterprises. Unfortunately, the council has so far been unable to identify any private sector company, but it is engaging with many businesses that are members of the work and skills board in Barnsley. There will be an announcement in the not-too-distant future about some private sector companies employing people on the scheme.

In my opinion, the scheme is a Rolls-Royce scheme and should be considered by local authorities hoping to have a positive effect on unemployment, particularly among young people in the NEETs category. I am sorry to say that the future jobs scheme might be under threat if we have a Tory Government after the election.

As we are rather short of speakers in the debate, I will go on a little longer. Moving away from the role that local authorities and central Government can play in helping young people during the downturn, let us consider the vital role that the voluntary sector can play in helping young people through the recession. I shall highlight one such organisation, Citizens Advice, which does outstanding work in all our constituencies. Nationally there are 413 citizens advice bureaux. I have three in my area—one in Doncaster, one in Barnsley and one in Mexborough. I used to be on the management committee of the Barnsley CAB when I was a young councillor in the 1980s, before all the pits closed under Thatcher.

Every CAB is a registered charity and more than 20,000 of the people involved in the service are trained volunteers. The recession has meant that more young people are looking for opportunities to develop new skills as they find it increasingly difficult to enter education, employment and training. Volunteering for a local CAB gives young people the chance to try out new opportunities and develop skills that will help with college and university courses and in gaining employment.

As part of the volunteer programme, young people receive training relevant to the role, and in some cases that will lead to a recognised certificate from the CAB. They also receive support from a dedicated supervisor as well as from other volunteers and young people in the bureau. More importantly, they have the chance to make friends. All the volunteers are part of a team and get the opportunity, through social and celebration events, to get to know other young people better. They also feel valued because Citizens Advice listens to young volunteers and has established a youth forum to ensure that young people are at the heart of the projects that it develops. The good news is that nearly one third of the volunteers who leave the CAB service each year use their experience to secure paid employment.

Citizens Advice has recognised that in the recession it is becoming increasingly difficult for graduates to find employment. Students must gain vital experience to make them stand out if they are to succeed in the jobs market. That is why the CAB has developed a student volunteering programme, which supports students to gain vital experience during the recession. It provides unique, office-based volunteering opportunities that allow students to gain tangible work experience. Many students find that volunteering with the CAB gives them a real insight and a connection with their adopted community. Students will receive training and accreditation for the work that they do, which potential employers see as very beneficial. Hundreds of students volunteer with Citizens Advice every year all over the country.

Citizens Advice offers specialised volunteering opportunities for students of certain subjects. For example, law students can knock up to six months off their training contract by volunteering as an adviser. Social policy and politics students can see first-hand the kind of issues affecting people on the street, and can work to make a difference. Emerging linguists can practise what they have learned as an interpreter, especially in multicultural communities, though not so much in my constituency, I admit. Public relations or marketing students can volunteer as an event organiser or fundraiser. Citizens Advice has been at the heart of every local community for 70 years, and I am sure it will continue actively to support young people in need throughout the recession and beyond.

Rob Marris: I applaud the efforts of the CAB and other organisations that are driven by volunteers, but does my hon. Friend share my concern at the rise in internships, which tend to be monopolised by the middle class? There is a question over their legality because interns are not paid a minimum wage, and there is a key difference between an intern and a volunteer. A volunteer is someone who approaches an organisation and says, "I'd like to help you," whereas an intern often answers an advertisement for an unpaid job. We should not encourage that.

Jeff Ennis: My hon. Friend makes an excellent point that I hope my hon. Friend the Minister will address when he sums up.

This is a very important debate, from a central Government point of view, as regards what we can do to help young people through the recession, from a local authority point of view, and from a voluntary sector point of view.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. Before I call the next speaker, I remind hon. Members that, as often happens in these circumstances, we started off with plenty of time but now the clock is moving swiftly on. Perhaps those Members who are seeking to catch my eye would bear that in mind when they are making their contributions.

3 pm

Mr. Tim Boswell (Daventry) (Con): It is a pleasure to follow the hon. Member for Barnsley, East and Mexborough (Jeff Ennis), who is always generous and very practical.

This is an important debate. I should say to the House that one of the reasons why I shall be brisk is that I need to nip out briefly before the conclusion of the debate, but of course I want to hear the Minister wind up. I pay tribute to my hon. Friend the Member for Havant (Mr. Willetts) for introducing the motion and for the forensic case that he deployed in his criticism of Government policy.

The House will know that I was formerly a further and higher education Minister, so I cover the whole remit of this debate, as it were. At my stage of a parliamentary career, it is not appropriate to be unnecessarily partisan, except perhaps at the beginning. I will merely say, in view of the difficulties in which the Minister found himself in relation to the current situation, as did the Liberal Democrat spokesperson, that I would use a motto modified from a couple from the past: "If you're in an 'ole, start aspirating." That is how one tries to get out of it.

I also say to the Minister—I need not give him a completely free ride—that in my experience the Government have plumbed new depths of dysfunction. That applies across the field—whether, at one level, with what went wrong with the further education capital programme or, at another, with the concerns expressed yesterday in *The Guardian*, in terms that I never experienced as a Minister, by the Russell group, which said that it might take six months to bring the university sector to its knees—a view that was echoed by the University and College Union. In fact, I felt that that was a little over the top, but there are definitely problems.

I have been, and remain, concerned about people at the other end of the spectrum, specifically NEETs—those not in education, employment or training—and those who have learning difficulties or are without the necessary basic skills. In the first place, the House needs to understand the impact of recessionary pressures, which create what I would call a concertina effect. Graduates who are having difficulty in getting jobs may trade down to do less demanding jobs, below level 4, and in the process—it will not be their intention—tend to squeeze out of employment altogether those who are less well qualified. They will be under-fulfilling their potential while cutting off the potential for others.

We cannot deal with the problem of NEETs without reaching back into the school system and improving opportunities outside the conventional routes of the academic world from year 7 onwards. I am pleased to see the Minister for Further Education acknowledging that. That must be accompanied by proper independent guidance and mentoring, as people need help. We still need to devise—we have been saying this for 50 or 100 years—an examination and qualifications structure that complements the traditional royal road through A-levels and on to university with an alternative credible route involving proper concentration on subjects with an emphasis on at least part-vocational diplomas locked in with apprenticeships, without closing off the routes to progression. At all stages, certainly after year 11, we need greater hands-on involvement by potential employers—that also applies as people move on to continued education—and they may have to help to finance the process. There must be a common understanding of the best financial frameworks that we can afford to support learning, matched by a coherent set of qualifications.

I have spoken elsewhere about this, and I think it is no secret that I am something of a radical in this regard. I want a national qualifications framework, on which the Government are at last making some progress. I want a credit system, and I want the support system eventually to move into that area, although we will have to wait for the Browne report before we come to a final view on that. Above all, we must not switch off thinking about doing this in the recession—we need to use it as a springboard to development. The key themes of the system should be coherence, something for everyone, and flexibility in that no administrative, financial or qualification hurdle should frustrate those who, at whatever level they find themselves, want to build a career or simply—we should not forget this—enjoy the merits of education itself to lead a more fulfilling life.

One of the more interesting and challenging hours that I have spent recently was with a group of NEETs in my constituency. Frankly, when we started I was a bit

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apprehensive as to how we were going to get through the hour, but it turned into a quite rewarding dialogue. Of course, I remained aware of the problems before us, but there was a belief developing that they were not insuperable, provided that as a society we are prepared to put in the time—the golden element that we often forget—to provide sympathetic support and mentoring and to treat people, whatever their level, as individuals with their own strengths, weaknesses, needs, opportunities and potential.

I want to close my brief remarks by addressing two issues of principle that I have long embraced, which we will continue to need to have validated long after we have put the recession behind us. The first is the gross misconception that learning activity is either academic or "vocational", as if the professional classes have no practical skills and the sons of toil have no need of anything but the essential, elementary manual skills. Under the pressures of the recession, matters are made much worse by the understandable demands of employers, who say, "I'm short: send me six brickies," or six typists—whatever it may be—as though people with vocational skills were not better employees if they had an educational hinterland.

Lorely Burt (Solihull) (LD): Several hon. Members have spoken about the importance of skills for manufacturing. Is it not a fact that we are leading the world in many aspects of manufacturing because we are able to combine the academic and the practical in terms of our skills mix in that sector?

Mr. Boswell: I am grateful for that intervention. I am lucky enough to have a large chunk of the Formula 1 industry, and Silverstone itself, in my constituency. These are brilliant people: they have not come up through grand academic routes, but they have fantastic application. They are highly skilled—some of the best in the world—and amazingly articulate, confident and successful people in a team. That is exactly what we are looking for.

We do not just need the one-off, simple, basic skill sets—we need hinterland as well. That may come through formal qualifications or through experience, but it needs to happen. I have seen, as many of us will have done, young people come alive through well directed vocational learning programmes, particularly when they are accompanied by good mentoring that, ideally, pulls these people through the process and motivates them, with some assurance from employers that they will take them on when they have achieved qualification. The modern work force of the future will need people with those core skills, the ability to work together, and the confidence to do their own thing and adapt to changing conditions. We are not creating automata or a mass work force, but people who can think and act for themselves.

That brings me to my final substantive point, which is about the need for progression. Of course, we all represent the aspirational classes. We take it as a matter of course that we want our children and grandchildren to progress and succeed, but why should any of us think of the NEETs as having a different agenda of their own? The problem is that in the present circumstances, it is difficult to make a plausible static case for their re-engagement with the labour market. Without unreasonable measures, or sanctions that we have not contemplated, the difference between staying a NEET and taking a dead-end job is unlikely by itself to change motivational behaviour. It is only when we can throw in the prospect of job enrichment through training, leading to greater responsibility and probable eventual promotion, that employment really becomes worth while. I remember the powerful American phrase, which I have often heard from my hon. Friend the Member for Havant, "Start with a job, move to a good job, get on to a career." That is how we should be thinking.

There has been some talk about consensual politics. The House will know that I am essentially a one-nation Tory and have been for many years, but we will not make progress towards one nation, however we define it, if we continue to treat any one group as persistently "other", or as some phenomenon or problem rooted in the cares of the moment, great though they currently are. We must consider people's personalities, minds and motivations. A learning society, which we would all like, assumes progression from the years of compulsory school—that is the easy bit—towards a society in which people, as individuals, are supported into work and through their careers as much as they need to be. Those careers develop a society, and the economy develops and changes.

There is always a struggle to resource that, and not just in a recession, but equally there is a great prize to be gained. People should not have just a narrow range of evanescent skills to do the job that they have today. We need to build a wider and good society in which nobody need feel ill-equipped, marginalised or unable fully to participate. Fortunately, this is one of those happy situations in which the prudential case, the educational case and, let us face it, the moral case coincide.

3.12 pm

David T.C. Davies (Monmouth) (Con): The Government have today once again set out the narrative that they have built up during the recession of the past year or so. The narrative that they like to put forward is something like this: "The recession was nothing to do with us. It was all caused by other people. Thanks to our wonderful Prime Minister it has now been sorted out in this country, and we will shortly be returning to growth." That is the message that they want young people to hear.

However, young people are not fooled, and they know that the reality is very different. It was summed up by the headline in the business section of *The Sunday Times* this week, which on the face of it was quite positive. It was something along the lines of, "City confident that Britain will keep its triple A rating". However, on reading a little of the article it became clear that the City was confident about that only because it is certain that after the general election, whoever wins will have to take urgent steps to reduce public spending.

The Government may try to maintain that the recession has now passed over and that we are coming out of it, but it is very possible that the recession proper has not even begun yet. It was caused by policies that were partly the fault of the Government, such as not regulating the banks properly, and made worse by the fact that they failed, even during the times when the economy was growing, to spend what they were taking in taxation. It will be made considerably worse by the fact that with one last throw of the dice, one last gamble, they decided to borrow billions upon billions of pounds—something like £180 billion—to try to keep the party going before the general election. That is what will concern young people in the years ahead, and it is right that it should. Whoever wins the next general election, the news will be very bad.

Of course, the reality has been disguised from many people, partly because of the failings of the education system, which should have delivered the high-tech work force that we need to thrive in a globalised economy. We have heard great rhetoric today about what the Government have done for young people and graduates, but the reality is that one in four people still leave their primary school unable to read and write properly. One in four are not getting any GCSEs at grade C or above, and one in six 16 to 24-year-olds are not in education, employment or training. It was a Labour Government who promised us a welfare state that would look after people from the cradle to the grave, but in education they have delivered a failure from the nursery to the bursary. *[Interruption.]* I am happy to give way to Ministers if they wish to intervene.

Kevin Brennan: Would the hon. Gentleman care to give us the figures for 1997, so that we can compare them with the figures that he is complaining about so powerfully?

David T.C. Davies: I shall come on to what I think the Minister alludes to. I do not have the figures to hand, but what he alludes to is important. He will attempt to suggest through statistics that more people are now getting higher levels of exam qualification, which is certainly true on paper. The fact of the matter is that virtually everyone who takes exams these days seems to pass them, which certainly did not happen in 1997.

Two possible reasons have been suggested for that. One is that the exams have become easier and the other is that pupils these days are much cleverer than pupils used to be 10 years ago. I have my views about that, but let us be generous to the Ministers, who are hopping up and down now. Let us assume that the reason why more people are getting higher grades in their GCSEs and A-levels is nothing to do with the fact that the Government have downgraded exams, even though there is plenty of evidence to suggest that that is exactly what has happened. I still say to them that it is wrong that virtually everyone who takes the exams passes them, whether at GCSE or A-level. It is impossible for the universities, and beyond that employers, to distinguish those who are good from those who are very good.

The point of an exam should not be to make people feel good about themselves. It should be partly so that people understand their strengths and weaknesses, so that employers can understand who is likely to fit into a particular role and so that universities can pick and choose the best people for the courses that they offer. The Minister should ensure, if he gets the opportunity over the next few months—I do not think he will after that—that exams are properly set so that we can understand who is good, who is very good and who is no good at all.

Kevin Brennan: The hon. Gentleman is in danger of disappearing into the vortex of his own illogical representations. A minute ago he was complaining about the fact that not enough people were passing exams, and now he is saying that too many pass exams. Which is it?

David T.C. Davies: That is a very good question, but the reality is that at the moment people who are unlikely to pass are simply not put in for the exams. That is why one in four people do not get a grade C or above. Generally, all those who are put in for the exams come out with some sort of qualification. That is the clever use of statistics and targets that the Government are so very good at. The Minister cannot deny that one in four people are not getting a grade C or above, or that there has been a huge increase in the number of people gaining As and Bs. It is he who needs to be making explanations.

I happen to believe that the Government have failed to impose proper standards in schools. That view has been reflected by employers, who have complained that even graduates who have come to them do not understand basic English or maths. Some companies have actually had to teach people how to write letters. A member of the public walking into the House of Commons is greeted with a sign that says, "Visitors Entrance". Where is the apostrophe? It is not there. Who wrote these things? Perhaps it is because I am rapidly approaching 40 that that sort of thing irritates me. We cannot even get our grammar right in the mother of all Parliaments, so how do we expect people leaving schools to do so? What sort of example are we setting?

We need to go back to the basics in schools and get rid of all this politically correct stuff, with people sitting around their desks chatting to each other. What is wrong with people learning by rote, in rows, one behind the other? What happened to the three R's in schools—reading, writing and arithmetic? They have been replaced by the three C's—cultural studies, climate change and, for five-year-olds in primary school now, carnal knowledge. That is absolutely disgraceful.

We need to get rid of the sham degrees that allow people to spend three or four years doing such things as surfing studies or game theory. I once thought that that might refer to the respected branch of economics, but it is literally about understanding the differences between Playstations and Xboxes, as far as I can see. That course is actually being offered in one higher education institute in London, which is absolutely disgraceful. We are not going to pull ourselves out of recession and help young people by setting an artificial target of sending 50 per cent. of them to university if they are going to come out with those Mickey Mouse degree qualifications that will mean nothing to employers.

What about ensuring that people can be respected for gaining vocational skills? I have letters after my name: I am David Davies HGV class 1, a graduate of the Heads of the Valleys school of motoring, Gilwern 1992! That qualification enabled me to have four years of gainful and very well paid employment as a contract driver at Lucas Girling. That is nothing to be ashamed of; I am very glad I did it because I do not think I would have benefited at that age from a university education. I believe we should give all the support we can to those who would benefit from such an education, but we

[David T.C. Davies]

cannot put 50 per cent. of the population into university and think there will be no cost to the people concerned who will rack up bills, or to taxpayers who pay £10,000 a year to fund those courses.

If we are going to get Britain out of the recession, we need to start matching the skills that are needed by employers to the skills that are offered by universities and training courses. I do not need to be a rocket scientist to understand that hundreds of thousands of people are coming into this country from eastern Europe and beyond. My wife is from eastern Europe, so I am in no way prejudiced about that, but it irritates me that all the jobs for plumbers, carpenters, electricians and other skilled tradesmen are being taken by people who have come here from other countries because nobody in this country is qualified to do them. At the same time we have graduates in things such as surf study management who cannot get a job. Surely I am not alone in thinking that that is the policy of madness—many young people and employers can see that too. They are going to be coming out at the next general election to vote and campaign to ensure that the next generation of young people are educated under Conservative policies, so that we have a work force who are able to compete in a globalised economy, and who have the ability to drag us out of the recession that this Government did so much to get us in.

3.22 pm

Mr. Brian Binley (Northampton, South) (Con): I want to stay with the very narrow point of the relationship between skills training and the workplace. This issue concerns me greatly and I have spoken about it in the House on a number of occasions. I make no apology for the fact that I come from a business background. I have been a business manager for 40 years, and I can tell the House that business increasingly relies upon employees with high literacy and numeracy skills. Therein lies a serious problem. Fifty per cent. of employers or thereabouts are dissatisfied with the quality of the training and education of the school leavers whom they meet.

Literacy and numeracy training begins at primary school. It is worrying and frightening to learn that each year, about 120,000 children leave primary school unable to read and write properly. The Government are aware of the problem and are working on it, but it is already seriously inconveniencing the futures of many of our young children. We must crack that problem. Otherwise, talk of further skills training is almost meaningless: if kids cannot add up or read properly, the difficulties of training them later are considerably enhanced. That is my first point.

I will not say much about NEETs—people not in employment, education or training, about whom much has already been said—but I will make the point that Britain's future is to an immense extent tied up with having people who are skilful enough to work in the hi-tech, highly skilled businesses that will create for Britain what I hope will be a more interesting and wealthier future when the upturn comes. I must tell the Government, as businesses will tell them, that the upturn has not yet happened. Frankly, we do ourselves no favours by saying that the recession has ended.

Lorely Burt Will the hon. Gentleman give way?

Mr. Binley: I normally would, but I do not have very much time.

We need a knowledge-based economy, to ensure that those hi-tech, highly skilled jobs that we could produce in manufacturing are produced, and that the opportunity is exploited. We have a real opportunity. Manufacturing jobs are coming back, because the level of skill and technical knowledge is increasing greatly in certain areas of the sector. We need to be able to exploit that, which means training people, which in turn means colleges of further education. However, to my mind, Governments of both hues have neglected and failed to enhance FE colleges properly in the past 20 years. The building programme that is under way is immensely welcome, and I recognise that in that respect, there is some hope for the future. However, this is about not only the buildings but what happens inside them, which is so important.

I spoke to a very fine principal of Northampton college of further education—which, I am delighted to say, is a recipient of the Government programme to enhance our FE infrastructure. His name is Len Closs. He is a highly skilled and experienced teacher, and leads and runs a very effective and important college in Northampton. I asked him what he thought we needed to take on board if we were to move forward, and he said:

> "Firstly, to recognise that learners are individuals with their own talents and abilities…This implies further development of training curricula to avoid 'one size fits all' and to address differentiation in learners' needs and employers requirements…Secondly, Skills Trainers must have a passion for the subject and the skill to inspire others to want to achieve. This implies the need to ensure that high quality practitioners continue to be encouraged to come into training and that employers continue to give access to opportunities in the workplace alongside enthusiastic practitioners."

In other words, he is telling us that the human relationship between pupil and teacher lies at the heart of good skills training, which indeed it does; it lies at the heart of education generally, but I am focusing particularly on skills training. We need to learn lessons from what heads of further education colleges tell us, and I hope that Ministers have heard those comments.

In conclusion, colleges are vital to inform us about how to solve the problem of skills training, and we need to listen to their recommendations; that is the first piece of advice that I would give the Government. Secondly, we need to develop good literacy and numeracy skills at the base of our educational structure, for without those we will not succeed.

Thirdly, vocational and skills training should be workplace-driven, and local businesses should motivate, direct and be involved with local vocational problems. All too often, vocational training is created by educationists—although that does not happen in Northampton, I am delighted to say. We need business to be involved in the process if we are to be successful. All too often, ill-designed packages are being created and delivered away from the workplace, and they are distant from the ethos and culture of the working environment.

I could go on, but time forbids; it is right and proper that I should give the Front-Bench spokesmen the time in which to sum up. But I want to encourage the Government to understand the importance of outreach, of bringing in businesses to help create the training programmes, and of training in the workplace.

Most of all, we should ensure that we have skills trainers who are inspired to train and can make that vital connection, on a one-to-one basis, with those whom we are letting down at the moment—the NEETs. They are best handled by inspirational people in colleges of further education, to ensure that we put right the mistakes that we have made earlier, in primary education. It is a very tough job, but if we do not face up to it and make the advances that we need to make, we will not be in a position to exploit the high-tech opportunities that I believe Britain can exploit when the upturn comes. That means increasing our manufacturing base, which is so important to us.

3.31 pm

Mr. John Hayes (South Holland and The Deepings) (Con): W. B. Yeats said:

"Education is the lighting of a fire".

In Britain today, however, there are people whose fire has been extinguished: the young people who are out of education, untrained, left behind and with little prospect of a fulfilling job. I am talking about an army—one might say a "forgotten army"—of 1 million young people not in education, employment or training. They are a generation of broken lives and shattered dreams—but the tragedy is not only personal to them.

As my hon. Friend the Member for Havant (Mr. Willetts), who began the debate, pointed out, the situation is a tragedy for our nation as a whole, and a growing burden on the state. The Prince's Trust estimates that the cost of the growing forgotten army is about £3 billion a year. We know that if a young person's first experience of the labour market is of unemployment and failure, that can leave deep scars of disadvantage. As the hon. Member for Barnsley, East and Mexborough (Jeff Ennis) pointed out, prospects can be damaged for a whole lifetime.

The problem is not caused simply by the recession. Youth unemployment rose in the last decade, even when unemployment overall was falling. As the hon. Member for Bristol, West (Stephen Williams) said, the number of NEETs has remained stubbornly and unacceptably high throughout the lifetime of this Government. Instead of more young people being helped to enter skilled employment, most new jobs have gone to people born overseas. It is not ethically sustainable that, at a time when more and more British young people, of all kinds and from all origins, are finding themselves unable to get a job and access training, we should be importing so much foreign labour. The OECD says that seven in 10 jobs created since 1997 have been filled by foreign workers.

That might have led one to suspect that the Minister would speak at the beginning of the debate with a degree of contrition, and that he would be in the mood to apologise or concede. But no—we heard a mixture of windy rhetoric and partisan bombast. I have to say that I am disappointed in the Minister—and it all comes after years of spin and debt. We simply cannot go on like that, and he knows it. We must lay the foundations for a stronger, broader-based economy by providing real opportunities to young people.

Rob Marris: Given that such a high proportion of foreign workers come from other member states of the European Union, does the hon. Gentleman agree that it is time that we revisited the question of the free movement of labour within the EU?

Mr. Hayes: That is a different subject for a different day. I do agree with the hon. Gentleman about the need to boost apprenticeships; I know that he and the hon. Member for Barnsley, East and Mexborough are advocates of the apprenticeship system. They will know that in 2007 a report on apprenticeships by the House of Lords Select Committee on Economic Affairs concluded that many who would benefit from an apprenticeship were not doing so, mainly because of the severe shortage of places. Again, it is time that Ministers came clean.

We might have expected an admission of falling apprenticeship numbers. In the fourth quarter of last year, we saw a fall in the number of apprenticeship starts. We did not hear about that when the Minister for Higher Education and Intellectual Property spoke. The figures are worse than has been suggested. The fact is that all of the increase in the number of apprenticeships over the past decade has been a result of converting other forms of training into apprenticeships. That is precisely what the Lords Economic Affairs Committee's report said in 2007.

Ministers like to count the number of apprentices in terms of apprenticeship starts, so when the Minister for Further Education, Skills, Apprenticeships and Consumer Affairs sums up, will he confirm that at the beginning of the decade there were 84,500 advanced apprenticeship starts at level 3, and that by the end of the decade that number had fallen to less than 80,000? The number of level 3 apprenticeship starts—that is the level at which all apprenticeships were once defined, and below which a position would not be regarded as an apprenticeship in other countries—

Kevin Brennan *rose—*

Mr. Hayes: The Minister can confirm that when he sums up, I hope, rather than interrupting my rather attractive rhetorical flow at this moment.

The Government failed because they failed to engage employers. It is time to change. A Conservative Government will make it much easier for companies to run apprenticeships. The Minister for Higher Education and Intellectual Property invited us to give a description of our policies. We never resist that kind of invitation, so let me remind him what those policies are. We will tighten the apprenticeship frameworks so that they are relevant to each sector of the economy, we will cut the bureaucracy that surrounds apprenticeships, we will pay employers directly for the training they provide, we will boost the apprenticeship programme by almost £800 million in support from Train to Gain to help those most in need and, because we know that small and medium-sized enterprises need extra support, we will pay an apprenticeship bonus of £2,000 for each apprenticeship at an SME.

As the Minister should know, and as my hon. Friend the Member for Havant pointed out at the beginning of the debate, we will also introduce an all-age careers service so that people get the right advice about the right opportunities to be trained and educated. We will also put in place special additional support for NEETs, through a NEETs fund. Those are tangible, costed real policies. I do not know whether the Minister had not heard about them before today, but I know that he will go home a happier man for having done so.

[Mr. Hayes]

The House of Lords inquiry on apprenticeships concluded that one of the biggest barriers to young people's participating in apprenticeship training was the lack of basic skills, as pointed out by my hon. Friend the Member for Northampton, South (Mr. Binley). Ofsted told the inquiry that a conservative estimate would be that 300,000 16 to 19-year-olds were unable to access apprenticeships because of a lack of basic skills. As my hon. Friend the Member for Daventry (Mr. Boswell) said, we need to build a pathway that helps more young people into apprenticeships and skilled employment. We need a programme of pre-apprenticeship training, with key skills such as numeracy and literacy embedded in learning a trade. That will demonstrate to young people the importance of such skills to their working life.

For the hard core of NEETs, who will at first need to take small steps back into learning and employment, we will establish extra FE college places every year. There will be 50,000 new places each year in colleges that are liberated—freed from the stifling bureaucracy that was identified by Andrew Foster in a report for the Government years ago, yet the Government have done so little about it. From new college courses through pre-apprenticeship training and real work-based apprenticeships to higher apprenticeships and foundation degrees, I want to build a ladder of opportunity that will be respected by learners and valued by employers.

The House would be disappointed if I did not say a brief word about the student loans crisis that was rightly identified by my hon. Friend the Member for Havant as a fundamental failure on the part of this Government. That is not merely the view of Members on the Opposition Benches or of critics of the Government on their own Benches. The report that the Government commissioned concluded that the Department itself was in part to blame, because of the confusion that it caused by moving the goalposts every time the Student Loans Company tried to organise its affairs.

I want to elicit from the Minister for Further Education, Skills, Apprenticeships and Consumer Affairs, when he sums up, some answers to specific questions. It is immensely regrettable, as I am sure that he realises, that, as the review revealed,

"new students…have experienced real and significant problems in applying for financial support".

I wrote to the Minister for Higher Education and Intellectual Property just before Christmas. I did not want to spoil his turkey dinner, but I felt that these questions needed to be answered. I am disappointed to say that I have still not had a reply, and so I hope that the Minister for Further Education, Skills, Apprenticeships and Consumer Affairs will answer these questions.

On 10 December last year, Ministers indicated to the House that the backlog in cases would be cleared by the weekend of 12 December. Will the Minister confirm whether that was the case. If it is not, why not?

Will institutions that have used access to learning funds to cover the gap between students applying for and receiving loans receive support from either the Higher Education Funding Council for England or the Department? Does the Minister accept the conclusion of an independent review that many students missed the published deadlines for applications because they were not clearly stated or well publicised, and not well understood by applicants. Perhaps he could repeat what his ministerial colleagues have said: that the Government are offering a guarantee that there will be no January admissions crisis. It would be wrong were the House to learn later that the lessons had not been learned, and that students applying for admission to colleges and universities in January and February had faced the same difficulties as their predecessors.

Will the Minister give an absolute assurance that there will be no crisis this year? He has had long enough to give such an assurance, and the House wants to hear it. He knows what my hon. Friend the Member for Monmouth (David T.C. Davies) reminded him: the Government have failed. They have failed to reduce the number of those not in education, employment or training, to expand real apprenticeships and to help more disadvantaged people into university.

I want to deal with two points that the Minister raised. He will be familiar with the Higher Education Statistics Agency's performance indicators that were referenced in the 2006 Dearing report. However, the indicators remain stubbornly similar to those in the report, which revealed that working-class participation in universities had increased by just 1 per cent. since 1995. Participation programmes such as Aimhigher, on which the Government spent more than £2 billion a year, have produced a 1 per cent. increase in participation by working-class students.

I am not saying that we do not need to advise and guide, which is why we want an all-age careers service, and I am not saying that we do not need to address that problem, which is why we want to look at modes of learning, access points to learning and all the other ways in which we can widen participation—widening participation is top of my agenda. Let us not live in cloud cuckoo land though, but consider and address the facts, and see what we can do to change them.

I seek some clarity on one other matter, because the House would expect it to be on the record: the success or failure of Train to Gain. The Minister knows that the 2009 NAO report concluded that

"the programme has not provided good value for money",

that the dead-weight cost was about 50 per cent., and that many employers said that they would have arranged the training anyway, although that would not necessarily have resulted in a qualification. Train to Gain is immensely cost ineffective—and Ministers know it.

We have had a decade of failure—millions of shattered dreams and broken lives. Labour Members know that but are embarrassed to admit to it. They are too timid to own up and too faint-hearted to challenge. Indeed, if Labour MPs had populated the Bounty, there would not have been a mutiny and Captain Bligh would have got away with his punitive regime. Well, we will not let the Government continue to punish Britain's youth and Britain's future any longer. It is time for those who have failed to step aside and let those with perseverance and passion step forward, to let Britain grow and to bring new hope, jobs and opportunity. The Government are out of ideas, they are out of good people, they are out of tune, out of step and out of line—and very soon they will be out of office, too.

3.44 pm

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): This has been a most enjoyable debate, not least during the last contribution. Members' contributions have been of a high standard, as is often the case in such debates.

I congratulate my hon. Friend the Member for Barnsley, East and Mexborough (Jeff Ennis) on his speech. He has had to attend a Select Committee, which is why he is not in his place now. However, he gave us an example of what is going on in Barnsley, which is an exemplar for the rest of the country in terms of skills.

I would also like to congratulate the hon. Member for Monmouth (David T.C. Davies). He knows that, personally, I like him immensely. He is a proper Tory, and we heard the authentic voice of the Conservative party in his contribution this afternoon. However, given his traducing of the training for the games industry, I should point out that it is now larger than the music industry in this country. The hon. Gentleman rather reminded me of John Lennon's Aunt Mimi, who advised him not to go into the music business because it was a complete waste of time.

I also congratulate the hon. Member for Northampton, South (Mr. Binley), who made a thoughtful and interesting contribution. He rightly recognised the value of the capital programme at the further education college in his area, from which his constituency has benefited, and the importance of jobs in the manufacturing industry.

That leads me to the hon. Member for Daventry (Mr. Boswell), who as ever made a highly thoughtful and intelligent contribution. He sits on the board of the university in my constituency, and a welcome board member he is, with the experience and wisdom that he brings. He spoke about the importance of the modern work force and modern manufacturing—I think that the hon. Member for Solihull (Lorely Burt) intervened at that point. He mentioned the Formula 1 industry in his constituency and the fact that this is still a great manufacturing country—the sixth most important in the world—with a high level of skills.

That triggered off in my mind a story told by my predecessor, who until quite recently was the First Minister of Wales, about the plane involved in the miracle on the River Hudson. Captain Sullenberger, in a display of great heroism and skill, landed the plane on the Hudson. When the passengers got out and stood on the wings, which saved their lives, they were standing on wings that had been manufactured here in the UK, in north Wales. That is an example of the great British modern manufacturing that is out there around the world. We forget that. Frankly, hon. Members in all parts of the House do not blow our trumpet loudly enough when it comes to the great manufacturing industry that we still have in this country. It is right that this Government have a policy of industrial activism to develop that manufacturing industry further, through our "New Industry, New Jobs" policies.

The speech made by the hon. Member for South Holland and The Deepings (Mr. Hayes) was immensely enjoyable, as his speeches almost always are. They are not always entirely illuminating, but they are always hugely enjoyable and humorous. As ever, he included a poetry quotation. On this occasion it was from Yeats; if I remember correctly, on the previous occasion when we debated in the House he quoted Eliot. Perhaps I could quote for him another great lyricist—Madonna—and say that we have "heard it all before".

Mr. David Evennett (Bexleyheath and Crayford) (Con): The Minister is dumbing down.

Kevin Brennan: I am not dumbing down, and that is an unfair accusation. I could quote poetry—my wife is a poetry editor—but we have indeed heard it all before.

Beyond that rhetoric—the hon. Member for South Holland and The Deepings accused my right hon. Friend the Minister for Higher Education of windy rhetoric and partisan bombast; there were elements of kettle, pot and black in that remark. The Opposition motion asks three fairly important questions. First, should we be expanding apprenticeships, as we are doing? Secondly, should we be reducing bureaucracy for FE colleges, as we are also doing? Thirdly, should we be offering record numbers of university places? Again, that is exactly what we are doing right now, with 43 per cent. of young people going on to university. Let us look at those questions in a little more detail in the time available.

Despite what the hon. Gentleman said—he did not allow me to intervene to make this point—the expansion of apprenticeships is a remarkable story. It is a success story for the Government and for the country. It is not unfair to say that apprenticeships were withering on the vine before this Government came into power. There were 240,000 apprenticeship starts in 2008-09, which, despite what he said, is the largest number ever. He also complained and asked whether I could confirm that the number of higher-level apprenticeship starts in 2008-09 was below 80,000. No, I cannot confirm that, because the figure in 2008-09 was 81,400—it was more than 80,000, not less, as he implied.

Mr. Binley: The Minister talks about apprenticeship starts. Will he tell us about the attrition level? How many of those people do not conclude their courses?

Kevin Brennan: I am very pleased that the hon. Gentleman asked me that, because the success rate for apprenticeships last year rose by 6 per cent. to 70 per cent. That is more than double what it has been previously. That is a remarkable success story and a remarkable rate of growth. As I have said, the motion is inaccurate in stating that there has been an overall fall in the number of apprenticeship starts. The rate is remarkable for a time of recession, given that apprenticeships are essentially work-based training. We all have to acknowledge the challenges that economic downturn and recession bring for the younger age group, particularly 16 to 18-year-olds, who are especially badly hit during a recession. That is exactly why the Government have taken all the measures that we have in relation to young people.

I am glad that the Under-Secretary of State for Children, Schools and Families, my hon. Friend the Member for Hartlepool (Mr. Wright), who deals with the under-19s, is present. We have done a lot to try to assist that age group, including through the September guarantee, which the Opposition have consistently refused to match. Neither the Conservative Front Benchers who are present today nor those in the Department for Children, Schools and Families shadow team have

[Kevin Brennan]

committed to the September guarantee. We brought in the January guarantee to make sure that people can enter employment training if they are unable to find work or other forms of training, and that is exactly why we are also introducing a £2,500 incentive for employers to support 5,000 new apprenticeship places for 16 and 17-year-olds now. As I have been able to say, thanks to the intervention of the hon. Member for Northampton, South, we are now hitting record completion rates for apprenticeships that are well over double what they used to be. Despite what the Opposition say in their attempts to downplay apprenticeships and to make out that they are something like those under the youth training scheme, which was the Conservatives response to youth unemployment, they are quality apprenticeships with a high level of success, and the young people who undertake them make great achievements.

Apprenticeships are just one of the four national learning pathways that we have introduced for 16 to 18-year-olds. The Apprenticeships, Skills, Children and Learning Act 2009 will ensure that apprenticeship places are available for all suitably qualified young people by 2013. We anticipate that one in five young people will undertake apprenticeships in the next decade. They will be a key route to bringing us out of the economic downturn, and it is vital that we continue to invest in young people in that way. As I have said, the take-up of apprenticeships continues to rise, and the number of completions has smashed all previous records. We have hit our public service agreement target on apprenticeships two years ahead of target, so I shall not take any lessons on this issue. In our recent "Skills for Growth" White Paper, as part of the national skills strategy, we have committed to having 35,000 new places for 19 to 30-year-olds in higher-level apprenticeships in the next two years. We have introduced group training models so that smaller businesses can work together to provide apprenticeships, and that approach has the potential to develop another 15,000 places in the next few years. We have also committed £5 million for the development of new frameworks at levels 3 and 4, so the Opposition's charge about higher-level apprenticeships is completely unfounded.

The hon. Member for Havant talked about progression, which is an important issue. He talked about the report of the right hon. Member for Darlington (Mr. Milburn) and the importance of trying to inspire apprentices to build their skills up to the higher education level. We have committed—again in the skills strategy—to introduce an apprenticeship scholarship fund from the autumn, and we are currently working through the details of that undertaking.

Mr. Hayes: Will the Minister give way?

Kevin Brennan: By asking me to give way, the hon. Gentleman must be implying that my rhetoric is not as good as his rhetoric, because he gave the quality of his rhetoric as a reason not to give way to me. *[Interruption.]* I am, indeed, nicer, but I am going to carry on for a moment.

The second charge in the Opposition's motion was about bureaucracy. We are doing a great deal to reduce bureaucracy in FE colleges. In our investment strategy and in our "Skills for Growth" paper, we have clearly indicated the types of measures that we are taking to reduce bureaucracy. Good and outstanding colleges no longer have to be inspected every two or three years, but every six years. Good and outstanding colleges may now choose to switch their money—to "vire", to use the technical term—right across their budgets and they are subject to much-reduced audit. Indeed, all colleges, not just good or outstanding ones, can now switch their expenditure within their budget headings on learner-responsive and employer-responsive budgets, and we have reduced the number of agencies that they have to talk to. It is not true that the Government are not making progress on reducing bureaucracy, on which we should be constantly vigilant. We are determined to carry on with that simplification agenda and to carry on reducing bureaucracy.

The number of students is the third element of the Opposition motion. The Opposition called on us to clarify matters about the Student Loans Company, and I understand from my right hon. Friend the Secretary of State that the backlog has been cleared and that we have accepted the terms of the review, which I was asked about earlier. I cannot guarantee the hon. Member for Havant that there will not be a crisis this year, however, as according to some bookmakers, there could be a Conservative Government this year. If that happened, I could not guarantee that there would not be a further crisis. Nevertheless, the measures that we have taken and our acceptance of the Hopkin report's recommendations will go a long way towards improving the situation.

I cannot leave the subject of extra student numbers without once again referring to the proposal in the Opposition motion to create 10,000 extra places for students next year. The hon. Member for Havant said that he could raise £300 million from getting 1 per cent. of the money returned to the Government as part of his programme. He said that he would get that money by offering a discount to those who repaid early. Well, earlier in 2008-09, £300 million was already paid back early. If his proposal were adopted, he would have to pay, with his 10 per cent. discount, £30 million to people who were going to pay the Government back anyway. That £30 million dead-weight cost would be needed in order to work the little three-card trick that he has developed to avoid facing the fact that funding extra places means providing the money.

I advise the hon. Member for Havant to go and see his hon. Friend the Member for Tatton (Mr. Osborne). When he goes into his hon. Friend's room, he should tell him to sit down and take the weight off his feet for a moment, and explain that what he really needs to do if he wants to create extra student places is decide to spend the money necessary to provide them. If he wants to do that, he is going to have to borrow the money. Alternatively, the hon. Gentleman could tell the shadow Chancellor that he wants to spend £30 million for nothing—on students who are already paying the money back.

Rob Marris: I am sorry to interrupt my hon. Friend's flow of rhetoric, which is considerable, but does he agree that the Conservative motion is not entirely clear about the 10,000 places, because the implication is that those 10,000 places would be there for ever more, whereas it is in fact a one-off for only one cohort?

Kevin Brennan: As my hon. Friend rightly points out—he got the Opposition to elucidate earlier—this is a one-off three-card trick. I do not think the policy could possibly be sustained over a period of time, because it is a false way of trying to fund the extra places. If the hon. Member for Havant wants to fund these places—it is a legitimate aspiration to fund more places in higher education; we have done it year after year so that we now have record numbers of places—he has to be up front with the British people, he has to be straight with the House and he has to say that he is prepared to spend the money, by borrowing if necessary, to do so. Otherwise, he will simply not be believed, and he will waste £30 million on a dead-weight cost, which is an absolute waste of public money.

Question put (Standing Order No. 31(2)), That the original words stand part of the Question.

The House proceeded to a Division.

Madam Deputy Speaker (Sylvia Heal): I ask the Serjeant at Arms to investigate the delay in the No Lobby.

The House having divided: Ayes 228, Noes 311.

Division No. 37] **[3.59 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Curry, rh Mr. David
Davies, David T.C.
(Monmouth)
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Nadine
Duddridge, James
Duncan, Alan
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh
Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lamb, Norman
Lancaster, Mr. Mark
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Rogerson, Dan
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Chloe
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann

Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Stephen Crabb and
Bill Wiggin

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Byers, rh Mr. Stephen
Byrne, rh Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Michael
(Worcester)
Foster, Michael Jabez
(Hastings and Rye)
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, rh John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hope, Phil
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
Mason, John
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C.
(Sheffield, Hillsborough)
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen

Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, Dr. Richard
Thomas, Mr. Gareth
Thornberry, Emily
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Twigg, Derek
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Bob Blizzard and
Mary Creagh

Question accordingly negatived.

Question put forthwith (Standing Order No. 31(2)),

That the proposed words be there added.

Question agreed to.

The Deputy Speaker declared the main Question, as amended, to be agreed to (Standing Order No. 31(2)).

Resolved,

That this House recognises the Government's commitment to maintaining investment in apprenticeships, higher education and skills and its commitment not to repeat the mistakes of past recessions, and to ensure that young people are not trapped in long-term unemployment; notes that since 1997 there have been 339,000 extra students in higher education, more than ever before, and that public funding has increased by over 25 per cent. in real terms creating the world-class higher education sector enjoyed today; further notes the Government's commitment to managed growth in higher education to sustain quality and success in widening access, creating the most diverse student population ever; commends the Government's commitment to helping graduates through the downturn; further notes that investment in apprenticeships today is over £1 billion in 2009-10, and that in 1997 there were only 65,000 starts compared to 240,000 in 2008-09; further notes the success of Train to Gain in supporting over 1.4 million course starts; commends the September Guarantee offering all 16 and 17 year olds an apprenticeship, school, college or training place; and acknowledges the Government's investment of £1.2 billion in the Future Jobs Fund to guarantee a job, training or work experience for every young person unemployed for 12 months, and the graduate guarantee giving graduates unemployed for six months a guarantee of a high-quality internship or training, or help to become self-employed.

Energy Security

Madam Deputy Speaker (Sylvia Heal): I advise the House that Mr. Speaker has selected the amendment in the name of the Prime Minister. I ask all hon. Members who are not staying for this debate please to leave the Chamber as quickly and quietly as possible.

4.17 pm

Greg Clark (Tunbridge Wells) (Con): I beg to move,

That this House notes the impending retirement of over 20 gigawatts of UK generating capacity, the ongoing depletion of North Sea oil and gas reserves and the nation's growing dependency on imported fossil fuels; further notes the high and volatile prices of those imports and the threats to the constancy and adequacy of their supply; regrets that British energy policy has failed to change with these circumstances and that, consequently, the nation's energy security has been compromised, as exemplified by the low levels of UK gas storage capacity; acknowledges that fundamental reforms to the energy policy framework are required in order to attract the investment required to guarantee reliable, affordable and sustainable energy supplies; calls upon the Government to take immediate action to ensure diversity in new electricity generating capacity and adequate levels of natural gas storage; and, recognising that energy efficiency is the most cost-effective means of meeting Britain's energy needs, further calls upon the Government to implement policies capable of accelerating the deployment of efficiency improvements to millions of domestic and non-domestic buildings, in particular to the homes of the growing number of fuel-poor households.

If ever the House needed a reminder of the importance of affordable, reliable energy supplies, this winter has provided it. It has also reminded us that the measures that we need to take to safeguard the security of those supplies will be tested. As the Engineering Employers Federation said last week:

> "The long-standing vulnerability in our energy system has been exposed...As a nation we need to take security of energy supply more seriously."

This time around, a number of businesses on interruptible gas contracts were cut off. Thankfully, supplies to residential customers were maintained, but this is no cause for complacency. Temperatures have been unusually low, but the effects of the recession have depressed underlying demand. Fortunately, there has been no repeat this winter of the unresolved dispute between Russia and Ukraine, which has meant that supplies from that region have so far not been disrupted. There is, however, no guarantee that we shall not have another cold winter, or that Russia will not turn off the taps in the future, or that we shall not have a problem with the Rough storage facility, as happened four years ago.

The Government know that, as Shakespeare said:

> "When sorrows come, they come not single spies, but in battalions".

The only thing that we should expect is that unexpected events will happen. To guarantee our energy security not just most of the time but all the time, we need to be prepared. The head of Ofgem has said:

> "The headline fact is that Britain is the single most exposed country among the big players in Europe".

Current energy policy is not adequately prepared for what could have been, and should have been, foreseen.

Let me say from the outset that I do not blame the Secretary of State for this. After all, he has been in the job for just over a year, and it has taken at least 10 years of drift to leave Britain this unprepared for the energy

[Greg Clark]

challenges of the 21st century. I strongly suspect that he privately shares our analysis of the situation. He himself said today that

> "there is clearly an urgent need for additional gas storage",

and I welcome that recognition. He says that we should have more gas storage and greater diversity of supply, including nuclear power and renewables, and that we should promote energy efficiency. I think that there is agreement on this that crosses party lines.

Peter Luff (Mid-Worcestershire) (Con): My hon. Friend makes an important point. The Committee that I chair, which is of course a cross-party Committee, has repeatedly warned of the dangers of inadequate gas storage. It is an eminently foreseeable problem which should have been dealt with sooner. Can he suggest any reasons for the failure to deal with such an obvious problem much more quickly?

Greg Clark: I am afraid I cannot, but my hon. Friend is right to draw attention to the work of the Select Committee on Business and Enterprise over the years. In its landmark report "Energy prices, fuel poverty and Ofgem", produced in 2008, it stated:

> "This is an issue our predecessor Committee raised in its 2002 and 2005 Reports on security of supply and fuel prices. Significant additional storage, beyond that currently planned, is needed to reduce volatility in the wholesale gas price…It is now an issue of national importance and should be a high priority in domestic energy policy."

As I have said, I cannot blame the Secretary of State for that. It was his predecessors who should have responded in a timely fashion. I am glad that he now sees the need to respond to the challenge, albeit late in the day.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): Will the hon. Gentleman take into account the specific needs of individual gas storage applications? An application for underground storage on the border of my constituency and that of the hon. Member for Lancaster and Wyre (Mr. Wallace)—I am pleased to see that he is present—is strongly opposed by our constituents on grounds relating to the geology of the area. Gas storage applications must be examined case by case to ensure that they are safe before it is decided that they should proceed in the national interest.

Greg Clark: I agree with the hon. Lady to an extent. Of course it is necessary to consider whether individual locations are suitable for storage purposes. That makes perfect sense. It is clear that if something as important as gas is to be stored, safety must be paramount. However, I do not think that that should lead us to the conclusion that we should not nationally move towards greater gas storage. The fact that investigations of this kind take some time to complete is all the more reason to begin them earlier, so that they need not be conducted in a rush and there is not the exposure that we have begun to see in recent years.

Mr. Philip Dunne (Ludlow) (Con): My hon. Friend is being characteristically generous-hearted to the Secretary of State. Is this not the Secretary of State who, only a few days ago, told the media that we did not need to worry about gas storage in this country because we had such large offshore oil and gas deposits underground in the North sea? If that is the case, and if that is the justification for his predecessors' failure in not providing more gas storage facilities, why has the other major western industrialised country, the United States, which has substantial underground deposits of oil and gas, been creating significant strategic storage capacity over the past 10 years?

Greg Clark: I agree with my hon. Friend, but the fact that the Secretary of State has described the situation as "urgent" may indicate that he has moved on a bit from that position.

As I have said, I do not think that this issue should divide us. Over the past few days the United Kingdom-based Chemical Industries Association carried out a survey following which it reported that nearly half its members believed that increased storage was essential to future investment by companies in the UK, and over a third claimed that the current uncertainty of supply—caused by a lack of gas storage—was restricting the ability of the sector to invest in the UK. The situation is, as the Secretary of State says, urgent.

Simon Hughes (North Southwark and Bermondsey) (LD): The consensual tone of the hon. Gentleman's opening remarks is in notable contrast to comments that he has made publicly in the press over the past seven days. He claimed that we had only eight days of gas storage left. National Grid immediately dismissed that as a "meaningless figure" which totally ignored the amount of national supply that we have available. Will the hon. Gentleman now apologise for what was an unnecessary, alarmist, inaccurate and misleading comment?

Greg Clark: Of course I will not apologise. I think that if there is one significant threat to the country's energy security, it is the possibility that the complacent approach of the hon. Gentleman's party will be adopted by others. I think he should listen to the counsel of his colleague the hon. Member for Birmingham, Yardley (John Hemming), who has taken a long-standing interest in this problem and has repeatedly urged us to act on it. As he believes this is an urgent issue, I assume he thinks we should increase the amount of capacity we have. The fact is that, at the best of times, we currently have 16 days' worth of storage capacity, whereas France has 120 and Germany has 100. Therefore, apart from the Liberal Democrats, I do not think anyone believes the amount that we have is adequate; and, of course, when we have high winter demand, such as we saw recently, that maximum level of 16 days becomes much less. One problem is that the concentration of our storage capacity at present means that it is difficult to withdraw it from storage at the rate that we could use it in cold snaps such as the current one. Therefore, as well as a greater increase in the number of days of storage, we need greater diversity so we can get it into the system more quickly.

Mr. John Gummer (Suffolk, Coastal) (Con): I ask my hon. Friend to resist the temptation to listen to the Liberal Democrats on this issue, on the basis that they are always in favour of things in general and against them in particular when there is a single vote to be gained.

Greg Clark: I would agree with my right hon. Friend, who has always taken a responsible position on this subject, if I thought this was a good electoral strategy for the Liberal Democrats, but I do not believe that refusing to participate in a serious discussion that will ensure that we increase the resilience of our national energy supply will convince the electors at all.

Lembit Öpik (Montgomeryshire) (LD): I ask the hon. Gentleman, in the spirit of transparency called for by his colleague, the right hon. Member for Suffolk, Coastal (Mr. Gummer), to clarify his position on the following question, which greatly concerns my constituents. What is the Conservative party stance on land-based wind turbines? While one may very well be in favour of offshore turbines, it would cause great disturbance to my constituents if the volume of turbines that is proposed were to be built. I have asked the following question on many occasions, but no Conservative Front-Bench spokesperson has answered it: if the Conservative party is elected to office, will it change the turbine policy of the current Government?

Greg Clark: We think that, in order to secure our energy supplies in future, we need diversity of energy sources. It was Churchill who said that the security of our energy supply lies in diversity and diversity alone, and it is important that we have contributions to our supply from across the piece. Therefore, we would change that policy, because one of the problems with the current onshore wind policy regime is that many communities—including some in the hon. Gentleman's constituency, perhaps—feel they gain no advantage from the siting of wind farms in their locality. They are sometimes concerned about what they might see as risks—they might not know whether the wind farms will be noisy, or what the impact will be. They will therefore often decide—on a precautionary principle, perhaps—to oppose the application because there is no countervailing argument. On the continent, however, wind farms tend to be much more community-based and community-owned. Whether in Denmark or Spain, the communities that host wind farms share in the benefits, such as by receiving revenue from the electricity sold or, in many cases, getting cheaper electricity. Our policy is to return some of those benefits—through the first six years of business rates, for example—and to look into how we might provide cheaper electricity to the communities involved. That at least provides a more balanced debate.

Rob Marris (Wolverhampton, South-West) (Lab): I am grateful to the Conservative party for holding a debate on energy security. I agree that diversity of supply is important. It used to appear, to Labour Members at least, that the Conservative party's policy on nuclear—which, interestingly, is not mentioned at all in its motion—was to pop down to the supermarket and buy one if necessary. Life is not like that. Has the hon. Gentleman's party changed its policy on nuclear, and if so, what is it now?

Greg Clark: I shall talk about nuclear later. I am pro-nuclear; I believe we need to get on with it. I think that one of the problems we face is that we now have a gap between the end of the planned life of our current fleet of nuclear power stations and the earliest possible date at which we can get new ones. That gap should not be there; we should have avoided creating it.

The Secretary of State expresses a view with which we all agree—that we need increased capacity in our gas storage system. I was surprised by the wording of the Liberal amendment, which is alarmingly complacent. I hope that at least between those on the two Front Benches there will be agreement on the action that is now required to guarantee Britain's energy security, not least because that action involves long-term decisions. We should not seek to make short-term differences. Companies will make major investment decisions worth £200 billion and lasting 20, 30 or 40 years. We should aim for a long-term view of diversity and more robust sources of supply.

British energy policy has been exposed as out of date. It was designed 25 years ago for a world in which Britain had an excess of generating capacity, where we enjoyed the security of growing North sea oil and gas production, and where concerns about local pollution and international climate change were not as intense as they are now. However, power plants get old, fossil fuel reserves dwindle away, and pollution builds up to crisis proportions. The Government have had ample warning on all those fronts.

Power plant lifetimes are a matter of record. The Government knew that our existing fleet of power stations would need to be replaced. The peaking and decline of North sea production has long been predicted and was already under way at the beginning of the Government's first term, with obvious implications for dependence on fossil fuel imports. In their 1997 election manifesto, the Government promised a 20 per cent. cut in carbon emissions by 2010, thereby serving notice on themselves that a transition to cleaner sources of energy would be required.

Despite the transformation some time ago of the basic assumptions underlying energy policy, the policy framework has remained fundamentally unchanged. A framework designed for an age of plenty is still with us in an age of insecurity. Sometimes Government are overtaken by events, but in respect of energy policy, the Government saw what was coming and did not do enough about it.

Let me explain where that leaves us in terms of the main areas of energy use—first, electricity. Back in July the Department of Energy and Climate Change unveiled its energy plan for the coming decade. It is good that there is such a plan and it is perhaps the most important document that the Department has published to date, but it contained a dark secret. It revealed that Ministers were expecting black-outs across Britain in the years ahead.

A chart in that document showed a big rise in what are called expected energy unserved, otherwise known as power cuts. From virtually no black-outs now, the Government said that they expected the level to rise to 3,000 MWh by 2017. That is the equivalent of three nuclear power stations shutting down at the same time, or to put it another way, 1 million people losing power for 15 minutes more than 20 times in the course of a year. Worse still, shortages would most likely strike at times of peak demand—that is, on the coldest winter evenings. The head of Ofgem warned us that the years following 2015 could be very cold indeed. *[Interruption.]*

The Minister sometimes complains, as he is doing now from a sedentary position, that the chart is taken out of context and that we ought not to make use of it

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in this way. We have always been very careful to make its context clear. It is an official projection included in an official Government publication, freely available–not just to the Opposition, but to anyone considering whether to invest in this country over the next 10 years.

Let me turn to discuss coal. Our power sector, in which I include coal, will certainly need investment. Anyone who believes in diversity, as I do, needs to look at fuel sources right across the range. It is worth noting that, in the course of the big freeze that we have had during the past week, coal plant has at times supplied more than 40 per cent. of our electricity, helping to relieve pressure on gas supplies. The pressure on gas supplies would have been very much worse if we had been in the situation that we will arrive at in the next few years, when a third of our coal generating capacity is withdrawn.

Mr. David Anderson (Blaydon) (Lab): Is the hon. Gentleman satisfied that most of that coal will come from places such as Russia, where 6,000 miners a year are dying, so we are getting energy at the cost of people's lives? That would not have been the case if his former Government had not done away with the best mining industry in the world.

Greg Clark: There will be a future for UK coal within that, but it depends on a number of factors. The hon. Gentleman is absolutely right that we import a lot of coal from Russia. Coal is clearly more readily available and easily stocked than gas, so it contributes to energy security. I share his concerns about the safety situation there. We want to ensure that we operate using supplies that come from sources we can be proud of and confident about. I hope that in due course we can have more of a source of supply from this country as well. However, that depends on making progress on carbon capture and storage. If we subscribe, rightly, to a set of emissions targets that require CO_2 emissions to come down by 80 per cent. by 2050, we will need to make a breakthrough on CCS if we are to be able to use coal as an addition to our diversity of supply.

John Thurso (Caithness, Sutherland and Easter Ross) (LD): The hon. Gentleman has rightly mentioned diversity of supply on several occasions. In that regard, will he clarify what his party's views will be in respect of offshore wind and marine tidal renewable energy? The July White Paper calls for, from memory, some 33 GW of generation. Much of that development is taking place in my constituency, with the potential for a great many jobs to replace those at Dounreay, which is being decommissioned. There is obviously uncertainty over the long term, and it would be most helpful if he could clarify his position.

Greg Clark: I am delighted to do that. Our party is strongly pro the development of offshore wind and marine and tidal energy. Given the renewables resources that we have in this country, with one of the longest coastlines in Europe and some of the best conditions to allow the harnessing of the power of the wind and the tides, it is a source of great regret that we have made so little progress on that. Only Malta and Luxembourg generate less of their energy from renewables than we do. We need to accelerate that process. The announcement made the other day by the Secretary of State and the Prime Minister is a step in the right direction. However, it is regrettable that many of the jobs that could be generated, not least in constituencies such as those of the hon. Gentleman, are less certain than they might have been had we been further ahead and had not other countries established a lead.

Mr. Mike Weir (Angus) (SNP): One of the problems with renewables, especially in Scotland, involves the transmission charges for bringing the energy into the grid. What would be the hon. Gentleman's policy on that? Would he take action to reduce transmission charges or introduce a postage stamp scheme whereby transmission charges would be equal across the UK?

Greg Clark: I cannot give a commitment that charges should be equal, but I recognise the point that the hon. Gentleman makes. It is no good developing plants that generate significant capacity offshore if we cannot then bring that energy onshore. We have suggested that the National Grid—it is keen to do this—should build its onshore network offshore so that it is easier for promoters of renewable energy offshore, whether wind, wave or tidal, to get it to where the customers are.

Mr. Weir *rose*—

Greg Clark: I want to make progress now, because lots of Members want to speak. If I have time, I will take the hon. Gentleman's intervention later.

On carbon capture and storage, I am afraid that the Government have dithered; I take no pleasure in pointing that out. In 2007, there was the announcement of a token competition for just one demonstration plant. Last year, there was a much more encouraging sign from the Secretary of State, after he took over, when he stood up in this House and made a bold announcement on CCS. There is to be an expanded demonstration plant programme—

The Secretary of State for Energy and Climate Change (Edward Miliband): There will be four.

Greg Clark: Indeed. There will presumably be a second competition to embrace a wider range of CCS technology, for which Conservative Members have been calling for some time. However, despite the first competition having been announced in 2007, the winner has yet to be announced. The indications are that it will not be until 2011 at the earliest. As for the second competition, it is not even open yet. If I am wrong I shall be delighted to be corrected by the Secretary of State, because I would welcome greater progress.

I should mention a third competition, of course. As the Secretary of State knows, the one taking place in several countries and run by the European Union managed to announce the winners by autumn last year. I would simply observe that any organisation that can be outpaced by the European Commission has major problems. Unfortunately, foot dragging and bureaucracy is what we have come to expect from this Administration. The chaotic history of their policy on CCS has turned what could be a leading position for Britain into one in which we now lag behind China, Canada, Germany and Belgium.

Martin Horwood (Cheltenham) (LD): Will the hon. Gentleman give way?

Greg Clark: I want to make a bit of progress, and then I will give way.

Nuclear, which the hon. Member for Wolverhampton, South-West (Rob Marris) mentioned, is another example of Government foot dragging. For years we have known when each of Britain's nuclear power stations would be retired. When the Government came to power, nuclear provided 26 per cent. of our electricity. Today, that contribution stands at just 13 per cent. and is set to fall further as more stations are retired. Ministers were well aware that replacing that lost capacity in good time required an early go-ahead, but it was not until the 2007 energy White Paper that it was given. It was another two years before the necessary changes to the planning regime were put in place. With the exception of Sizewell B, every existing nuclear power station will have reached the end of its planned life before it is even possible to replace it with a new one. Of course, the current timetable assumes that there will be no further delays. Given the track record of recent years, we cannot rely on that.

Mr. Jamie Reed (Copeland) (Lab): Will the hon. Gentleman give way?

Greg Clark: I will, because I know that the nuclear interest is very important in the hon. Gentleman's constituency.

Mr. Reed: I am grateful to the hon. Gentleman. Fans of satire will be listening to his comments with real interest, because the single biggest problem with the nuclear industry in this country can be traced back directly to the last Conservative Government's abysmal failure to deal with radioactive waste management. That is the root of the current reality.

Greg Clark: I have been disappointed by the hon. Gentleman's recent interventions on this matter. I have followed his speeches over the years, and he has recognised the importance that his constituents and people in his region place on certainty and continuity of policy. However, just in the past few debates he has taken a partisan approach to these issues that is against his constituents' interests. In the interests of their employment, he ought to reflect on the signals that he gives.

Mr. Reed *rose—*

Greg Clark: I will not give way, because I have given the hon. Gentleman his chance.

Mr. Bernard Jenkin (North Essex) (Con): I just wish to put on record what we all know. There have been Secretaries of State in this Government dealing with matters of nuclear waste who have refused to allow any papers regarding nuclear policy to cross their desk as a matter of principle. It is ideology, such as that from the right hon. Member for Derby, South (Margaret Beckett), that has paralysed the Government.

Greg Clark: I said that I wanted to be constructive, and I welcome the Government's conversion to a more sensible policy.

Mr. Tobias Ellwood (Bournemouth, East) (Con): In the spirit of being constructive, may I urge my hon. Friend to urge the Secretary of State to include gas in carbon capture and storage? We are currently debating that issue in Committee. We are talking about CCS for coal, which is absolutely right, but the Government are adamant that they will not include gas in the levy that will shortly be rolled out. Why are we not looking to the future and ensuring that the coal-fired power stations, which will all close in 2020, are replaced with gas-fired power stations? We should be thinking about CCS for gas as well.

Greg Clark: I am grateful to my hon. Friend for making that point. If we want to establish leadership on that, it is important that for demonstration purposes we examine all the technologies that are available. If, as I believe, we will not reduce our dependence on gas, it will be important in meeting our emissions target that we can capture carbon dioxide emissions from gas in due course. The Secretary of State is a reasonable man, and often when amendments are tabled he undertakes to consider them carefully. I hope that he will do so on this occasion and reflect on whether the matter can be included in the competition. That would be a good thing to do.

Martin Horwood: Will the hon. Gentleman give way?

Greg Clark: I will not, but I might later if I make better progress through the points that I want to make than I am at the moment.

I mentioned renewables and the importance of ensuring diversity of supply. However, there is another important point that comes from renewables: if we do not address some of the technical factors of renewables, such as intermittency, we could exacerbate the problem of energy security rather than solve it. For example, I am not confident that we have the policies to build the back-up capacity that we will need if we are to have a greater contribution from intermittent renewables. The conclusion of a comparative study commission by National Grid and a number of other organisations stated:

> "While the Irish market is able to continually incentivise new peaking plant with increasing wind penetration, we are concerned that there is a real challenge in delivering very low load factor plant in the British market."

That needs to be addressed.

Shona McIsaac (Cleethorpes) (Lab) *rose—*

Greg Clark (Tunbridge Wells) (Con): No; I want to make some progress.

That brings me to the subject of gas, which has occupied our attention in recent days. Gas is a crucial fuel. As well as providing heat, it is our most important source of electricity, in terms of both quantity and the flexibility with which gas-fired plants can meet fluctuations in supply and demand. Yet despite the pivotal and growing importance of gas in supplying our energy needs, the rapid decline of North sea production and proven threats to the security of our pipeline supplies, we are still unable to store enough gas to see us safely through the coldest months. The consequences of that failure to plan ahead have been exposed in the past 10 days.

Shona McIsaac: Will the hon. Gentleman give way?

Greg Clark: No, I will not.

In that period, National Grid issued no fewer than four gas balancing alerts and supplies came under strain from the record level of demand. That boils down to four basic flaws in the current system. First, there is

[Greg Clark]

simply not enough storage capacity—no one apart from the Liberal Democrats doubts that. I mentioned that we have, at best, about 16 days' worth, compared to 100 in Germany and 122 in France. Ministers have dismissed that.

Shona McIsaac: Will the hon. Gentleman give way?

Greg Clark: I have been generous in taking interventions so I now want to make progress.

Ministers dismissed that comparison, saying that our declining North sea supply means that everything is still supplied, but that is dangerously complacent, because the Netherlands, which relies much less than us on imports, has three times as much storage relative to consumption—*[Interruption.]* I think hon. Members are pointing out that I have not taken any interventions from a woman. If that is a deficiency, I am happy to remedy it by taking one from the hon. Member for Cleethorpes (Shona McIsaac).

Shona McIsaac: I thank the hon. Gentleman for his generosity. Is he aware that my constituency is probably the one with the highest number of gas power stations in the country? Today, the local authority is giving its seal of approval to a biomass power station, which is going to create enough renewable energy to supply more than 500,000 homes. I therefore know quite a lot about the energy issue in this country. The hon. Gentleman must stop scaring the British public. There is far more gas in storage than he says there is, and far more gas that is easily available from the North sea and other sources. Will he stop scaring people about the lack of gas, because it is simply not true?

Greg Clark: The hon. Lady's first point was constructive, and I share her welcome for the biomass plant—as I said, diversity is important, and the plant will help to create British jobs—but she is wrong to choose to ignore the problem of inadequate gas storage. We do not often get to talk about such things and people are not aware of them but, at times like this, when we see how little we have, it is important to galvanise support for action.

Let us take the Engineering Employers Federation and the Energy Intensive Users Group. In a letter today, they say:

> "The bottom line is that the UK energy system was unable"

last week

> "to meet the needs of all consumers…To dismiss",

as the hon. Lady seems to do,

> "last week's interruption as a one-off also ignores the growing risks associated with increasing dependence on gas from overseas. The long-standing vulnerability in our energy system has been exposed—the UK has significantly lower storage capacity relative to demand than most other major gas-consuming economies."

That came from the Engineering Employers Federation and the Energy Intensive Users Group; it is what British employers say is necessary for them to continue in business and to continue to expand their businesses.

Several hon. Members *rose—*

Greg Clark: I want to be fair and to make progress. Many Members wish to speak and there is a time limit on speeches.

I said that we need more storage. Secondly, there are limits to how quickly that gas in storage can be extracted. At the start of December 2009, Britain's biggest storage site, the offshore Rough facility, was 99 per cent. full. Throughout the cold snap, Rough has been pumping out gas at its maximum capacity, but that has still not been enough to prevent the need for gas balancing alerts.

Thirdly, we have an insufficient margin for error. Our small stocks should be just enough to get us through a long cold snap. However, as I mentioned earlier, if just one other thing goes wrong, the knock-on impact will be enough to tip us over the edge into a system whereby it might be much more difficult to cope. Fourthly and finally, we should not confuse a system that prioritises who gets cut off with one that minimises cut-offs. Businesses, many of which have interruptible contracts, were the first to have their gas supplies stopped. That helps to maintain the supply of gas into people's homes, but it is bad news for the businesses that are struggling to emerge from the recession and remain open in these difficult times. As the Energy Intensive Users Group says, there is a real risk that disruptions could become more frequent. That would hit manufacturing hard and risk damaging the UK's reputation, as well as future inward investment.

The realisation that Britain needs more gas storage is not new. As I mentioned, the Business and Enterprise Committee, chaired by my hon. Friend the Member for Mid-Worcestershire (Peter Luff), first highlighted the issue in 2002 and it has highlighted it repeatedly since then. According to—

Shona McIsaac *rose—*

Ms Dari Taylor (Stockton, South) (Lab) *rose—*

Greg Clark: No, I will not give way.

According to a recent written answer, the Government expect to build another 500 million cubic metres of capacity by 2012—another two days' worth of additional storage. Will the Secretary of State stand up in the House and claim that that is an adequate rate of increase? Perhaps we should all cross our fingers and hope that we will not have another winter like this one.

I want to give time for my hon. Friends and hon. Members from all parties to contribute to this debate. Making up for the lost opportunities of a wasted decade will take some time. However, we must move forward with a sense of urgency. The issue is about not only catching up with the past but getting ready for a future in which the global production of fossil fuels—especially oil production, on which our transport systems are almost entirely dependent—will come under increasing strain.

Mainstream voices, including oil industry chief executives, and even Ministers from nations belonging to the Organisation of Petroleum Exporting Countries, have already warned that the age of easy oil is over. The International Energy Agency has said that it expects crude oil production to level off by 2030. In Britain, the UK Energy Research Centre, a joint initiative of the leading research councils, with which the Secretary of State will be familiar, has said that we could hit that limit by 2020.

When asked what contingency plans they had for such an eventuality, the UK Government said that they did not have any because they did not think the situation was that urgent. That answer should fill us with dread, but it is one that we have heard time after time. It is symptomatic of an attitude that in the past has been complacent and has not involved the action that we could have foreseen was needed. It explains, among other things, why we do not have enough gas storage capacity. It also explains why we do not have an adequate margin of generating capacity for electricity in this country and why we have not made sufficient progress on carbon capture and storage, nuclear and renewable energy. It is why we are wasting the chance to insulate our homes and stop wasting energy; we may discuss that issue later in the debate.

We need a policy for generating energy, not excuses. We need to rebuild the security of our energy systems and infrastructure with significantly higher levels of gas storage. On electricity generation, the Government must make it crystal clear that a collapsing margin of supply over demand is in no way acceptable. If current trading arrangements cannot guarantee that the lights will stay on, those arrangements must be reformed. That means unblocking progress across the broadest possible spectrum of energy uses. That is why we welcome the Government's national planning statements on nuclear, renewables and other key technologies, but it is also why we believe that they should be ratified by a vote of Parliament, to protect them against the threat of judicial review, which could delay progress for even more years.

We also, of course, need to build the enabling infrastructure for those technologies—for instance, the smart meters in our homes, an offshore grid for renewables and pipelines for carbon capture and storage. Continued delay and uncertainty on these vital networks will cost us dear as investors turn to other countries while Britain is left behind.

Finally, if we are serious about reducing demand, we must act to make sure that, as we go further into a winter during which fuel poverty is rising, we make it easy for people to find ways to make fuel consumption in their homes more modest and efficient. In place of unwanted light bulbs, we need a green deal to make a real difference to our energy bills and a real contribution to our energy security. The solutions to our energy crisis are within our reach. All that we need is a Government with the vision, the will and, dare I say it, the energy to make things happen.

4.55 pm

The Secretary of State for Energy and Climate Change (Edward Miliband): I beg to move an amendment, to leave out from 'House' to end and add:

"notes that around 20 gigawatts of new power generation is either under construction or has been consented to; believes that during a time of historically low temperatures and the highest ever gas demand in recent days, the country's energy infrastructure has shown resilience; further notes the increase in gas import capacity by 500 per cent. in the last decade, and the increase in the diversity of sources of gas, including liquefied natural gas and gas imports through interconnectors with Norway and continental Europe; commends the Planning Act 2008, which has created the circumstances for greater onshore gas storage as well as for new nuclear power stations and other low carbon energy infrastructure, and the Energy Act 2008 which has created the circumstances for greater offshore gas storage; backs the development of the grid to make it ready for a low-carbon energy mix; supports the Government's drive towards greater energy efficiency in homes through programmes such as Warm Front, the Carbon Emissions Reductions Target and Community Energy Savings Programme, all of which contribute to fighting fuel poverty, and in businesses through programmes such as the forthcoming Carbon Reduction Commitment Energy Efficiency Schemes; commends the Government's wider plans to embark on the Great British Refurb, where up to seven million homes will have whole house makeovers by 2020; and further supports an approach based on strategic government and dynamic markets that maintains the country's energy security as well as developing more diverse energy supplies, including clean coal, renewable and nuclear energy.".

The speech made by the hon. Member for Tunbridge Wells (Greg Clark) is a curious speech to follow. One is normally tempted to say that the Opposition offer easy answers, but on the central issues that he complained about, he offered no answers. If ever we needed confirmation that it is up to those on the Labour Benches to answer the difficult questions that Britain faces, the hon. Gentleman's speech was an example of that.

I want to start by thanking the people who have played such an important role in protecting our energy supplies during the longest spell of cold weather for 30 years. I thank the operators and engineers of the national grid, the people working in the oil and gas fields of the North sea and the people who have gone out to repair power lines in the most inclement conditions for their work. They are the people who keep the lights on in this country and guarantee security of supply. We all owe them a debt of gratitude.

In the gas system, the cold weather produced record demand on consecutive days last week, with demand at 468 million cubic metres—a figure that is far higher than the previous record. The surge in demand came alongside four major losses of supply from Norwegian fields as a result of the very cold weather there. It is worth saying that, despite some of the statements that the hon. Member for Tunbridge Wells was making last week, apart from a short period last week when there were restrictions for a small number of companies that had discounted gas as part of interruptible contracts, the gas supply has been operating for households and businesses as it would on any day of the year. We need to keep monitoring the situation as the winter progresses and we always keep the system under review—it is very important that the Government do that—but the system has shown resilience despite the strain of cold weather and supply loss.

Why has the system shown such resilience over the past 10 days or so? One of the reasons is the action taken by this Government in the last four years, since the fire that occurred at the Rough storage facility in 2005-06, which the hon. Gentleman mentioned. On peak days last week, we were able to serve almost a third of our demand—142 million cubic metres out of a total demand of 468 million—through new sources of supply that simply did not exist four or five years ago. Those include the Langeled pipeline from Norway, the BBL pipeline from the Netherlands, and the South Hook and Dragon liquefied natural gas terminals at Milford Haven. That did not happen by accident. It was our agreement with Norway in 2005 that made the pipelines possible. The work that was done with Qatar and the investors in Milford Haven—billions of pounds of investment was provided—made possible the LNG terminals, and it was the willingness to ensure an open market in the UK that made those investments possible.

[Edward Miliband]

Those things could happen only because of the proactive role of Government in enabling the new facilities. The chief executive of National Grid, Steve Holliday, said last week that

> "we've seen the benefits of the investment of the last five years where the UK can now import 30 per cent. of its gas internationally that it couldn't five years ago".

So the central claim that the hon. Gentleman has been making—at least in the television studios, when they have invited him on—which is that this Government have not acted is, of course, nonsense. I welcome the tone that he employed today much more than I welcome the tone that he uses in the television studios. I hope that he learns something from the experience of the past few weeks. Playing politics with energy security does no good to anyone, and it is exactly the kind of tactic that turns people off politics.

Dr. Andrew Murrison (Westbury) (Con): I wonder what a constituent who wrote to me a couple of days ago would say in response to the Secretary of State's remarks. My constituent said that he was a major employer in our part of the county and was facing a critical situation with regard to maintaining production through having an interrupted gas supply. He was faced with a huge daily cost through having to switch to oil to maintain energy and heating to the plant, and he said that that was not sustainable for such a business. How many businesses, compared with businesses in France or Germany, for example, were having the sort of interrupted supply that my constituent describes?

Edward Miliband: The hon. Gentleman asks a serious question about a business in his constituency. Obviously we want to limit the number of interruptions to businesses, although it is worth saying that the businesses that have chosen to take interruptible contracts have been getting prices on average 5 to 10 per cent. lower as a result.

I would like to make a slightly technical point about the kind of interruptible contracts deployed last week. The point is not about the amount of gas in the system; it is about the pipe network. National Grid has said that when the pipe network reaches a certain level, a deal is made with those companies under which they get discounted gas. In exchange, however, during peak times and when there are exceptional circumstances, such as the recent cold weather and supply outage, their contracts will be interrupted. We want as few businesses as possible to be interrupted, and I am glad that the business that the hon. Gentleman mentioned had a back-up. There are no interruptions this week, so far, which is positive news.

Mr. Gummer: The right hon. Gentleman rightly warns us against playing politics with energy security, but would he not agree that his Government played politics with it for 10 years? They produced an energy policy in which they specifically removed every single date by which things would be done, except for one that was 50 years away, which meant that nobody involved would be around to see whether what they said should happen did happen. Is it not true that for 10 years the Government have failed to step up to the decisions that had to be made?

Edward Miliband: The right hon. Gentleman, about whom I made admiring remarks last week—I slightly regret it now—is known for being beyond partisan politics, at least most of the time, so I do not think that those comments become him. I do not know what he means by 50 years' time. We have set clear targets, at least on low carbon emissions, for much sooner than in 50 years' time, and we are clear about our energy policy, as I shall explain.

I want to say something else that is important in setting the context for this debate. People are hard-pressed at the moment, including on gas and electricity bills. In a sense, however, this is a comparative debate with the rest of Europe, so it is worth saying that gas prices here are the lowest in Europe, as they have been for domestic customers for the past five years. That says something about the nature of our system. It does not mean that it is not capable of improvement. All systems are capable of improvement, and we should always learn lessons. However, it is important to make this point, particularly when people talk about prices spiking and so on: according to the most recent figures, we have the lowest prices in Europe.

Miss Anne Begg (Aberdeen, South) (Lab): Perhaps some of the Opposition's misunderstanding comes from the wording in their own motion, which refers to the

> "ongoing depletion of North Sea oil and gas".

They should tell that to the Norwegians, who have in place interconnectors supplying us with gas, as the Secretary of State said. I can assure the House that there are as many known reserves in the UK bit of the North sea as there were in the 1970s. The reference to depletion suggests the ending of North sea gas, but that is some way down the line. In north-east Scotland, we fight that all the time, because people seem to think that there is no longer oil and gas in the North sea. There is, there is a lot of it and it is important that it remains part of our energy mix.

Edward Miliband: I am pleased that my hon. Friend intervened, because she takes me to the right part of my speech. Let me add that I enjoyed the offshore oil and gas industry reception last night that she hosted.

It is important to ask what a strategy for gas involves in this country. It involves three things. Maximising production from our indigenous supplies is very important. The North sea still supplies about 50 per cent. of our gas supplies. That is why we took the action that we did in the Budget and pre-Budget report—my right hon. Friend the Chancellor was a great advocate for this—to provide new tax allowances to support the development of particularly challenging oil and gas fields in the North sea. We did that to maximise production in the North sea. That is very important. My hon. Friend the Member for Aberdeen, South (Miss Begg) was right to say that we must not write off the North sea. It is home to a very important industry, and one that will remain important for years to come.

Richard Ottaway (Croydon, South) (Con): The Secretary of State just said that the UK is currently experiencing the lowest gas prices in Europe. I am sure that he does not want to play politics with that claim, but I suspect that he is talking about wholesale gas prices. When does he expect those prices to be passed on to consumers?

Edward Miliband: We want price reductions to be passed on to consumers as quickly as possible. That is important, and I have made that clear on numerous occasions. However, I think that I am right in saying—I shall check back on this—that the figures that I quoted are reflected in both wholesale and retail prices.

Mr. Ellwood: It does not matter where the gas comes from—whether it is through the Langeled pipeline or from the North sea—as long as we get it. The question that I would pose to the Secretary of State is as follows. The Government have rightly introduced targets to reduce CO_2 emissions, but if we are to achieve them by 2030 or 2050, we will need to start carbon capture and storage for gas. May I therefore invite him to ensure that the legislation that is going through the House which deals with carbon capture and storage for coal gives the option to consider demonstration projects for gas as well? It seems a waste of time to delay that now. Let us catch up, get ahead and ensure that gas is included.

Edward Miliband: We will look at all proposals, but what is the constraint? The constraint is that we are spending up to £9.5 billion on carbon capture and storage from the levy, which will come from consumers around the country. We think that the priority lies in having four coal-fired demonstration projects, but the hon. Gentleman wants to tax more and to spend more from the levy. My hon. Friend the Minister of State will obviously look at any proposals in Committee.

Charles Hendry (Wealden) (Con): When the Secretary of State says that the Government will look at all proposals, is he aware that his fellow Minister voted the proposal down with her colleagues in Committee yesterday?

Edward Miliband: Obviously my hon. Friend looked at the proposal and thought that it was not a good one.

As well as the North sea, we need import capacity, which is up by 500 per cent. in the past decade. It is important to say that import capacity now stands at 125 per cent. of the total UK demand for gas—that is, it is greater. That capacity comes from the Netherlands, Norway, Germany, Algeria, Australia, Egypt, Qatar, and Trinidad and Tobago. Why is that list of countries important? It is important because it emphasises the importance of diversity, which is key when it comes to security of supply. To further increase import capacity, the South Hook facility—an extraordinary facility that I urge people to visit, as I have, for its opening—is doubling capacity this quarter. We are also exploring additional pipeline capacity with other countries, which is important.

Let me turn to storage, which the hon. Member for Tunbridge Wells spent a lot of time talking about. The question is not whether we need more storage in the years ahead; the question is how we get it. What was most disappointing about his speech was that, as far as I could tell, he had no proposals on storage. He complained for most of his speech about what he saw as the lack of storage, but he had no suggestions for how we should get that storage. Let me provide my suggestions for how we need to get more storage in this country.

First, we have the national policy statement on gas infrastructure. One thing that has bedevilled the building of more gas storage is the planning process, which is an obstacle to more storage. We established an offshore consents regime under the Energy Act 2008, but the new Infrastructure Planning Commission is also important, not just in relation to gas storage, but more generally. As the Opposition are, today at least, in the mood for seeking consensus, let me say that they should get on and support the Infrastructure Planning Commission's work. Business is saying loudly and clearly that it seems odd that a party aspiring to government should be saying, "We're going to overhaul the planning regime," when we finally have a good planning regime in place.

I know that the hon. Gentleman is not in charge of the policy, but I hope that, having listened to this debate, he will go and talk to the shadow Secretary of State for Communities and Local Government, the hon. Member for Meriden (Mrs. Spelman), and say that he has discovered the spirit of not playing party politics on such questions and so should she. She should accept the planning regime that we are proposing, because it is clearly the right way forward and will speed up the building of energy infrastructure in this country.

Ms Celia Barlow (Hove) (Lab): I thank my right hon. Friend for taking my intervention. Had the hon. Member for Tunbridge Wells (Greg Clark) taken my intervention, I would have asked him whether his party's opposition to the Planning Act 2008 is damaging not only the possibility of storage for gas, but numerous renewable projects that his party claims to support, one of which, on a small scale, is in Brighton and Hove, where the Tory council voted against wind turbines on its own building.

Edward Miliband: The council obviously has not followed the example of the Leader of the Opposition. My hon. Friend is completely right. Most right-thinking people in the House think that the planning situation generally has been one of the big problems concerning energy infrastructure. We finally have a planning regime that commands support, and it would be far better if the Opposition saw the error of their ways and started to support it.

Mr. Ben Wallace (Lancaster and Wyre) (Con): In my constituency, a large planning application for underground gas storage facilities has been made by a company called Canatxx. The proposal area borders the constituency of the hon. Member for Blackpool, North and Fleetwood (Mrs. Humble). Both the Labour-controlled county council and the Secretary of State have turned down the application, and it is now being resubmitted because of the changes to planning legislation that the Secretary of State has mentioned. The application was turned down on the grounds of safety and failures in relation to geology. The Secretary of State wants the Conservative party to engage fully in the reform of planning, but will he confirm that such bodies should not overrule fears about safety or geology in the interests of, perhaps, small lobbying companies such as Canatxx has become?

Edward Miliband: I shall not get into individual planning applications, but I know that the IPC rightly takes safety issues seriously.

Mrs. Humble: The hon. Member for Lancaster and Wyre (Mr. Wallace) and I have worked very closely on this matter, which is of serious concern to all our

[Mrs. Joan Humble]

constituents. I recall having a debate on the new planning regulations, and there is still a key role for listening to the voice of the community. In many ways, the new planning guidance strengthens the voice of the community. I want that voice to be heard in relation to the planning application that Canatxx has put forward again, against the wishes of everyone in the locality.

Edward Miliband: I am sure that my hon. Friend forms a formidable duo with the hon. Member for Lancaster and Wyre (Mr. Wallace). She makes an important point. One thing that I find curious about the Opposition's proposals on planning is that they say that the Government should set the planning statement and that the Secretary of State should continue to exercise judgment about specific applications. I think it would be better for my hon. Friend's and the hon. Gentleman's constituents if those decisions were taken independently, so that the people who put forward the overall plans on gas storage were not also making the individual judgments. I maintain that the planning reforms that I have talked about are important.

Let me say one more thing about gas. I think that the hon. Member for Tunbridge Wells has found that there are no easy answers to this issue. The difficulty is finding a balance between the role of the market and role of the state in ensuring security of supply. After last year's winter, we considered, along with Ofgem and the National Grid, whether the balance was right and whether more needed to be done on how the market worked. That led to two changes, the first of which was in the information that is available to the market to ensure that suppliers understand the short-term supply-and-demand situation and the availability of gas from storage. The second change was an increase in the effective penalties on shippers who fail to deliver gas that they are contracted to provide.

We continue to consider whether more needs to be done on the operation of the market, and it is right that we do that. The hon. Member for Tunbridge Wells did not necessarily refer to this point, but it was probably implicit in his speech, and it is even more important given that two thirds of the world's gas suppliers are in Russia and the middle east. It is important to note that that is not the case for our gas suppliers; that is why our diversity is so important. It was because of our interest in these issues that we asked my right hon. Friend the Member for Croydon, North (Malcolm Wicks) to produce his important report on international energy security, to which we will respond before the general election. I think that the most important conclusion from that report was about the strength that we get from the diversity of our energy sources. That is a strategy that he pursued very successfully as Minister for Energy. It has borne fruit and we continue to pursue it. As part of the road map to 2050 that we are preparing, we are considering whether more needs to be done. His report emphasised the importance of long-term contracts, which are more common on the continent, as well as a variety of other issues.

It is also worth citing what my right hon. Friend said in his report about the notion of strategic storage, which some people have put forward, effectively suggesting that the Government should build their own storage:

> "Any decision to proceed with strategic storage would risk displacing investment in commercial storage, as commercial players would see the existence of strategic storage, which they would suspect might be accessed simply in response to high prices…as undermining their investment case."

What is good about my right hon. Friend's report is that it shows that there are no easy answers in this area, while charting a way forward for the Government. We will respond to his report, and over the coming months to Ofgem's project discovery work, including any recommendations, alongside the 2050 road map in the spring.

Let me deal with electricity, which the hon. Member for Tunbridge Wells mentioned in his speech. Diversity is very important here. About 18 GW of power supplies will go out of commission towards the end of this decade, while 20 GW are under construction or have planning permission. It is interesting to note that when E.ON made its decision to delay the Kingsnorth coal-fired power station, it cited the fact that there was not the expected demand in the system.

Because the hon. Member for Tunbridge Wells has tried to make a cottage industry out of the issue of energy unserved, let me explain why I believe he is engaging in the alarmism that he said he was going to try to avoid and putting a wrong spin on the matter. The Redpoint analysis, published at the time of the national policy statements, updated the figures from the low-carbon transition plan. I will send the hon. Gentleman a copy if he does not have one. It says that energy unserved, which the hon. Gentleman made such an issue of, will be zero in 2017; it says that the capacity margin will be 15 per cent. in 2017 and will stay above 10 per cent. for the rest of the decade.

What that illustrates is why the hon. Gentleman's interpretation of the original graph is so alarmist. Demand and supply projections for seven or more years out are always going to be subject to significant change. They are not really a forecast of our security of supply position, but information for the market to respond to, which it does. That is what we have found in the past. When I came into this job, people were saying that 2015 would be a big problem; the hon. Gentleman is now saying that the problem will come in 2017, but I have given him updated projections today. I urge him to engage seriously in the debate.

Greg Clark *rose*—

Edward Miliband: I shall give way in a moment. I believe—I shall say more about this after I have heard the hon. Gentleman's intervention—that the problem that Britain faces in relation to energy is not so much one of security of supply, but a different question.

Greg Clark: The figure referred to the Government's central expectations, assuming that all the policies pursued in the paper had been enacted—but may I ask the Secretary of State whether, when he made his statement to the House in July, he had read the table that included the prediction of energy unserved at 3 GWh?

Edward Miliband: Yes, of course. I read all the documents—well perhaps not all, but as many as possible of the documents that my Department produces.

Greg Clark: I am grateful for that, so will the right hon. Gentleman explain why, if he had read that document before he made his statement, he failed to mention a figure of such seismic importance—revealing that for the first time since the 1970s, the Government were expecting power cuts during the years ahead?

Edward Miliband: Because, as I have just explained to the hon. Gentleman, that figure is not of the seismic importance that he claims. He obviously has his alarmist rather than his consensual hat on at the moment. I have to tell him that alarming people about energy issues is not a mature way to conduct politics. He needs to recognise that the analysis we produced in July as part of the low-carbon transition plan has since been updated. I have already said that I will send him a copy of the update, as he has obviously not read it himself. I urge him to read all the documents that my Department produces. This particular information can be found in figure 32, in a technical annexe relating to a carbon capture and storage demonstration; it shows energy unserved not at the level mentioned by the hon. Gentleman, but at zero in 2017. The hon. Gentleman needs to understand that taking one figure, pretending that it is somehow a prediction of power cuts, which it is not, and then asking why I did not mention it is not helpful. I did not mention it because he has afforded it an importance way out of proportion to what it suggests.

Diversity is very important to us and to our electricity system, but what do we need to maintain our low-carbon diversity? Before the hon. Gentleman's intervention, I said that I would address that question. The real question for Britain is: do we carry on with a high-carbon security of supply or do we move to a low-carbon security of supply? That cannot be taken for granted, because it will be very challenging for any Government. All the low-carbon sources that I think we need—renewables, clean coal and nuclear—are challenging, and we need a combination of strategic Government and markets to make them happen.

On renewables, that is why we have reformed the planning system, taken action on the grid, stepped in to work with the European Investment Bank to finance onshore wind, increased the offshore renewables obligation and announced—last week—the biggest offshore wind expansion programme of any country in the world.

The hon. Gentleman complained about our record on renewables, and I wish that our country had done better on onshore wind. We have not done better, in part because of the planning system and people's objections, but it so happens that we are the world leader in offshore wind. Throughout the world, offshore wind generates about 2 GW, and a bit less than half of that is in the UK. The exciting thing about my announcement last week—I pay tribute to the Crown Estate for its work on the matter—is that it mentioned another 32 GW of offshore wind generation—in a world where there is only 2 GW. That is the scale of the ambition that we can have for offshore wind in this country.

Mr. Weir: I appreciate what the Secretary of State says about offshore wind, which I also support, but I make the point that I made to the Conservative spokesman. Offshore wind energy often has to be brought on to the grid from remote places, and there is a continuing problem with transmission charges. The problem was exacerbated again last week when it was suggested that National Grid is considering doubling transmission charges from some islands. Will the right hon. Gentleman tackle that problem once and for all and ensure a fair distribution system, so that such energy is on the grid and available?

Edward Miliband: That is a long-running issue, but it is worth pointing out politely to the hon. Gentleman that, as a result of the system that he complains about in relation to generation, his constituents—the consumers who are nearer such generation—will have lower prices. I assure him of that. If we think that projects are not going to go ahead because of the scale of the generation charges, intervention is possible. He is welcome to contact us about that issue, which has been looked at in the past.

Mr. William Cash (Stone) (Con) *rose*—

Alan Simpson (Nottingham, South) (Lab) *rose*—

John Thurso: *rose*—

Edward Miliband: I shall give way to the hon. Member for Stone (Mr. Cash), but then I shall try to wind up so that Labour and Opposition colleagues can speak.

Mr. Cash: I have been very enthusiastic about the Secretary of State's comments on carbon capture and the development that is essential in that area, but so far—I may be anticipating him—he has not said anything about onshore wind farms. He knows that the Under-Secretary of State for Energy and Climate Change, the hon. Member for Stafford (Mr. Kidney), who is sitting next to him on the Front Bench, and I have a boundary issue regarding several onshore wind farms, and there is deep opposition to them. Will the Secretary of State therefore be good enough to explain why Severn Trent, for example, is encouraged to develop onshore wind farms simply because it happens to own land—irrespective of either the amount of wind or the location of those projects? Will he get that policy right and stop promoting those ridiculous onshore farms?

Edward Miliband: I am sure that on this issue, as on several others, the hon. Gentleman now speaks for his Front-Bench team as well as for himself. I do not agree with him about onshore wind, I am afraid. Onshore wind, along with offshore wind, needs to contribute to our renewable future, and one risk that the Conservative party poses is precisely in the form of its attitude towards onshore wind farms. I shall give way to my hon. Friend the Member for Nottingham, South (Alan Simpson) and then try to wind up my speech.

Alan Simpson: May I return to transmission access charges? My right hon. Friend will be aware that the big six energy companies by and large object to a change in the current system because they were given the distribution infrastructure as a dowry when the energy industry was privatised. That is why, in turn, they support the principle that everyone should pay for access. National Grid has said that it is open to the argument for socialising the cost of access, however, so will my right hon. Friend at least consider the distribution of costs among the network as a whole, rather than an entry price that works against a shift to new entrants?

Edward Miliband: My hon. Friend has great knowledge of these and many other subjects, so anything that he asks us to look at will be looked at.

John Thurso: With regard to offshore wind, may I draw to the Secretary of State's attention the potential problem of the supply chain, in particular at the Nigg yard? Given that there is one turbine per platform, 100 platforms are required for a 500 MW installation, and the supply chain to deliver that number is not in place. I have spoken to Lord Hunt about this, and he has been very helpful, but I wish to draw it to the attention of the Secretary of State.

Edward Miliband: The hon. Gentleman may consider it drawn to my attention now. One of the ways in which we can get ahead in the offshore wind industry is with generation, which is a necessary, but not sufficient, condition for getting the industry in this country—

Dr. Alan Whitehead (Southampton, Test) (Lab) *rose*—

Edward Miliband: I want to let hon. Members, including my hon. Friend, speak in the debate, but I will give way this time.

Dr. Whitehead: Will my right hon. Friend briefly reflect on the agreement that was signed by his Department as one of nine member states to promote investigation of the European supergrid on offshore wind, and whether he considers that that might require some co-operation with our European partners in order to succeed?

Edward Miliband: I agree with my hon. Friend. The European supergrid is an exciting prospect that will obviously require co-operation in Europe—as well as sitting in the European Parliament with people who tend to believe that climate change is real and happening, rather than those who do not.

In closing, I wish to emphasise the point about diversity. We have acted on renewables. We are acting on clean coal, including legislating for the clean coal levy—I hope that the Conservative party will start supporting that. It sounds as though they are not only now supporting it but saying that it should do more. That is a change in their position, but a welcome one. On nuclear, we have published an important national policy statement. The role of the Infrastructure Planning Commission is also important.

There is still an issue about the carbon price, partly as result of Copenhagen. We continue to think that the best way to raise the carbon price is through the EU fulfilling its commitments to go from 20 to 30 per cent. Last week I said that we should look at how Britain can most economically meet its low carbon obligations and whether further action will be necessary, and that is the point of our road map to 2050.

To have a successful energy policy we need diversity and energy efficiency, which is an important part of ensuring that we minimise the demands on the system, as well as understanding the role of government. Strategic government is important alongside the role of the market. As we pursue this debate, we should do so on the basis of facts and robust analysis, without engaging in alarmism of the British people. That does not give politics a good name, or enlighten the public debate. That is why we will vote against the Opposition motion tonight.

5.29 pm

Simon Hughes (North Southwark and Bermondsey) (LD): I welcome this debate, which is topical and appropriate. I also welcome the fact that it began in a more consensual way than expected, given the comments by the hon. Member for Tunbridge Wells (Greg Clark) in recent days and the bad weather in this country. The Secretary of State confirmed that we have experienced the highest demand ever. That demand was met in the last week, as official reports confirm, from various sources, with 45 per cent. of our electricity output coming from coal, 37 per cent. from gas and 15 per cent. from nuclear, with a small proportion from wind. So Britain, thank goodness, has diversity of supply.

There has been a diminution recently in the amount of our own oil and gas that we have been taking out of the North sea, but as the Secretary of State said last night at the oil and gas industry reception, as the hon. Member for Aberdeen, South (Miss Begg) reminded us and as colleagues from Scotland know all too well from their constituencies, we still have a fantastic natural resource. We have used it, but it will continue for a significant number of years to come and we also have further unexplored oil and gas resources, particularly west of Shetland and around the coast of Scotland. We have been very blessed with our natural resources and that has given us a security that has seen us through in recent years and in recent days, too. Energy security is fundamentally important. In the parts of the world where it does not exist it is one of the greatest causes of political insecurity, conflict and worse—last winter, we saw in our continent the huge tension that arose between Russia and Ukraine—and therefore it is very important to obtain as much consensus as possible.

The second consensual point that I shall make, before moving on to a comment about the motion that is a bit less consensual, is that we of course need more storage capacity—I do not think that there has ever been any disagreement about that, and the Liberal Democrats are not complacent. My hon. Friends the Members for Cheltenham (Martin Horwood) and for Northavon (Steve Webb) made that point when they served on the Energy Bill Committee in 2008. Their recollection is that there was a general consensus among all three major parties—I imagine the same could be said of the nationalist parties—about that.

However, although we need more storage capacity, the important point is that there is no crisis—there is not the sort of crisis that the Conservative party would have us believe. Thus, I regret, as we all should, the tone and nature of some of the comments made by the hon. Member for Tunbridge Wells over the past 10 days.

Mr. Ellwood: Will the hon. Gentleman give way?

Simon Hughes: I shall in a second. The Conservative party went out into the public domain—into the television and radio studios, and into the national press—and positively alarmed people with false statistics and fictitious claims. That is irresponsible for a party that aspires to be in government. The right thing to do is to try to be accurate about the position and not say things that are immediately contradicted, as these were. I am about to provide the source that backs up that point. This is not about my saying so; it is about other people saying so.

The claims were contradicted by those in the industry who know what they are talking about and who deal with these issues every day.

Greg Clark: The hon. Gentleman makes a serious allegation when he suggests that these were false statistics. That is clearly not the case. The statistics that we issued were taken straight from the National Grid Company, and they show what we said clearly—I have the press release here—which is that

> "At today's level of gas demand, our storage level equates to…8.1 days."

It pointed out the actual demand on each day and the amount of storage. That is a factual statement and I hope that he will accept it.

Simon Hughes: Of course I accept that, but if one deduces from that or if it is implied—or if one allows others to infer from it—that that is the amount of gas we have available and therefore when we use that up there is no more, on its own it is a statement that one must qualify and add to. *[Interruption.]* No, the hon. Gentleman knows perfectly well what the background and context is. First, this country has far more of its own resources than the countries with which he compared it—I can show him the figures if he does not believe me.

Mr. Stephen Crabb (Preseli Pembrokeshire) (Con): Will the hon. Gentleman give way?

Simon Hughes: In a second, but let me just deal with this important point. This debate is taking place partly because the Conservative party wanted to have it be known that this country was in a critical position—the Conservatives are attacking not the Liberal Democrats, but the Government on that. My job is not to defend the Government; it is to try to ensure that people who were bound to have been alarmed and, unsurprisingly, have been are at least reassured that there is the security of supply that they need to know will see us through this winter and into the months beyond. The figures on the percentage of natural gas supply imported by comparable countries are as follows: Austria 82; France 98; Belgium 100; Germany 83; Italy 90; Spain 100; Czech Republic 98; and Ireland 91. What is the figure for the UK? It is 26 per cent. The reality is that we are in an entirely different league.

The hon. Member for Tunbridge Wells knows that we have had the Rough storage facility for a long time, and that it would take 64 days to empty it. That is not my figure but the one provided by National Grid. The facility does not, in any event, have the capacity to deliver a sufficient amount to empty it in eight days, but we do not need to draw on it fully anyway, because we are continuing to produce and distribute a huge amount of supply from our own resources. I join the Secretary of State in paying tribute to the people working for National Grid and out there in the North sea and elsewhere.

In the past 10 years, the market, supported by the Government, has delivered on-stream the interconnector with Norway, which brings huge supplies. Norway has fantastic capacity—the largest by a mile of any country in Europe. We also have the interconnector with Holland, which acts as a sort of collector for other supply.

Mr. Gummer: On a point of order, Mr. Deputy Speaker. I have listened carefully to the hon. Gentleman's explanation, but he has accused my hon. Friend the Member for Tunbridge Wells (Greg Clark) of producing false statistics. That seems to be contrary to the rules of the House, and I ask you to ask him to withdraw the accusation.

Mr. Deputy Speaker (Sir Alan Haselhurst): An allegation relating to whether information is correct or not is a matter of debate, and there should be an opportunity in the debate to correct it. As I am on my feet, I should like to say that time is precious and the House will want the debate to be fully comprehensive. The Front Benchers have taken up a considerable chunk of time with the speeches that we have already heard. I shall therefore maintain the eight-minute time limit on Back-Bench speeches for the first two speeches—one from either side—then I shall reduce it to five minutes.

Simon Hughes: Thank you Mr. Deputy Speaker. My speech will be considerably shorter than those of the two Front Benchers who have spoken.

The idea that all our sources of supply could fail at the same time is just unfeasible. We need to ensure that the public understand that the position that was either alluded to or, certainly, interpreted by the Conservatives recently is clearly wrong. I want to cite certain objective commentators who can confirm that, so that the House will know that I am not making party political comments. *The Daily Telegraph* is not a natural supporter of the Labour party or the Liberal Democrats, yet, on 11 January, it stated:

> "To be clear, it is highly unlikely that we will run out of gas: we are not facing the prospects of old ladies freezing in their homes as large swathes of residential customers have their supplies cut off."

Of course, we have become a net importer of gas, and we will import more.

Most importantly, on 6 January, National Grid's spokesman made an immediate response to the comments by the hon. Member for Tunbridge Wells earlier in the week, stating:

> "We are absolutely not going to run out of gas…The UK is well supplied."

National Grid dismissed the hon. Gentleman's figure of eight days as a "meaningless number", because it ignored the amount of gas being imported and the fact that nearly half of UK demand is met by North sea production. National Grid has given further commentary in the press in the last few days, citing the official figures published at the end of last year in the latest edition of its review "Transporting Britain's Energy". They show that the potential supply from UK power stations is 28 per cent. above demand, and the review forecasts that this excess will continue through to 2016 and beyond.

I hope that the hon. Gentleman will accept that we have an adequate supply now and for the foreseeable future. There is no likelihood of it running out, and the only ones who have suffered are those companies who had negotiated an interruptible supply contract, which rewarded them with a lower price. They knew that their supply would be reduced for a limited period if demand was creating pressure. That is what happened, and it seems to be entirely commercially proper. They knew exactly what would happen in those circumstances.

Greg Clark: The hon. Gentleman has quoted various people, but he has not been able to produce a single quotation proving that I implied or stated that the gas

[Greg Clark]

supply of any residential customer was likely to be cut off. I mentioned the Engineering Employers Federation, which said that the supplies of some of its members had been cut off. He should bear in mind what was said about the situation by his colleague the hon. Member for Birmingham, Yardley (John Hemming). He said:

> "It is like driving blindfold on a cliff. You might go over the edge".

Does that not reflect the concern that we feel, and about which I still maintain that the hon. Gentleman is still rather complacent?

Simon Hughes: I have spoken to my hon. Friend and I disagree with his analysis. That is not the official position of our party, just as there are members of the hon. Gentleman's party who do not always adopt his official position—not least on issues connected with climate change and the Copenhagen conference, which we debated recently.

I am afraid that, intentionally or unintentionally, those comments were alarmist, and I know from information I have been given that they have resulted in some customers of gas suppliers turning their gas down or off for fear that they will not have a supply in the future. That is not the message that we should send to the vulnerable and poor, who are most at risk in weather such as this.

Of course we know that certain of our plants will be decommissioned. Of course we need more storage, but much has already come on-stream and much is in the planning process. We need to ensure that that planned storage capacity can be turned into reality around the country. The new access to liquid petroleum gas in Milford Haven and the Isle of Grain, which, to be fair, the Secretary of State mentioned, has given us a whole new opportunity, and that trend is likely to continue.

Mr. Crabb: I think the hon. Gentleman means liquefied natural gas. Can he explain why, at the 2005 general election, his party opposed the LNG developments in Milford Haven, and can he tell us where the extra 10 per cent. of gas supply going into the grid today from those two terminals would be if the Liberal Democrats were running energy policy?

Simon Hughes: I can give the hon. Gentleman—my friend—an honest answer to his first question. No, I cannot explain that, and I am not going to try. It seems to me that, in retrospect if not in advance, it was clearly a good idea. I have certainly never opposed it, and nor have my colleagues on the Front Bench.

We live in a changing energy world involving different sorts of imports and different sorts of access to imports, and—again, the Government have understood this—new sources are likely to come on-stream. Last Friday's announcement by the Government about offshore wind was extremely welcome, and, as has been pointed out by my hon. Friend the Member for Caithness, Sutherland and Easter Ross (John Thurso), we have a fantastic opportunity to achieve world leadership in tidal power in the Pentland Firth. If that opportunity were developed to the full, this country could have the capacity for the most resource from tidal power anywhere in the world, not just for our own use but also for export purposes.

The Liberal Democrats do not believe that we need the nuclear option as part of the energy security mix. That is a known position, although obviously there are differences of view in our party as in others. Our belief is based not least on evidence that in other countries nuclear is normally, if not always, delivered late and very expensively, and that the same would be the case if it were developed again in this country. I have to say that I still do not understand the Conservatives' position on the nuclear industry. It appears to be supportive when we listen to some Conservative Front Benchers, but entirely opposed when we listen to their environmental and energy advisers. No doubt the Conservatives' position would be equally complicated if they were to gain any form of majority after the next election.

We are certain that microgeneration will also add to our capacity. It is small at the moment, but there is a consensus that it has huge potential. I believe that if the Government had an appropriate feed-in tariff they could encourage microgeneration, and we hope that that will happen.

The other side of the equation is that the energy security issue would have been much better addressed had the Government succeeded in the area in which I believe they have failed most. They have not helped people to reduce their demand and need for energy. The fact is that 99 per cent. of homes are not properly insulated to independently established standards. Despite all the protestations, we do not yet have a comprehensive scheme for warm homes in our country. We know what a great difference proper insulation would make, yet the Government have failed abysmally on a measure that my party has been arguing for 25 years is the most important way in which we can become more energy efficient, because reductions in demand and consumption have as great a part to play as anything else. Gearóid Lane is managing director of British Gas communities and new energy, and the following quotation is taken from an article he wrote for this month's *Parliamentary Brief*:

> "We have just completed what we believe to be the largest ever piece of customer energy consumption research, analysing 64 million meter readings between 2006 and 2008 and correlating consumption savings with actions customers have taken to improve the energy efficiency of their homes. For example, after separating out the impact of price and weather, our data shows a reduction in gas consumption of 18 per cent. for the customers every year for whom we install insulation, and a 21 per cent. fall in gas consumption for the 100,000 customers every year for whom we install a new boiler."

The real prize in energy efficiency—and thus in reduction in consumption—will be won if all our homes, schools, hospitals and industrial and commercial buildings are properly insulated and we did not waste so much of the energy that we consume. That is where the Government have failed most, because we still have a very partial, piecemeal and inadequate programme for achieving those goals.

Obviously, we are always going to be interdependent with other countries around us and throughout the rest of the world. Our energy security is dependent on what happens in the rest of the world, and, sadly, there have been some disastrous actions in recent years. The invasion of Iraq has been harmful in this regard, as it had a knock-on effect on energy supplies; oil production in Iraq is now up, but not up to pre-war levels. There is also a lack of support, certainly from the Conservative party, for a European energy policy co-ordinated in such a way as to bring us all together. From what I have heard from the hon. Member for Tunbridge Wells, his party's ideas are entirely inappropriate to meet the challenges of the next decades. The Liberal Democrats believe we need not only to be firm in dealing with emissions and climate change, because we must have a zero-emissions policy and a carbon neutral, or zero-carbon, future, but to have an integrated European future. If we are really going to achieve energy security, we not only have to produce as much of our own energy as possible, but we have to be enthusiastic leaders in the campaign for a European supergrid so that the energy produced throughout Europe—whether from solar power in the Mediterranean, hydroelectric power in Norway, tidal power in Scotland, or renewables throughout our country—can be shared to give us all collective security. The UK should aim to be more energy independent, but the best security for all of us is for the whole of Europe to become energy self-sufficient. That is what will give us the security we need. If the Conservative party were a bit more enthusiastic about Europe in this context, that might give consumers and industry a little more hope of the prospect of a secure future if—although I do not think this will happen—it were to form the Government in the near future.

5.48 pm

Malcolm Wicks (Croydon, North) (Lab): Understandably, the context for much of this debate has been the appalling conditions facing our country this winter, and we should remember the elderly at risk from the cold. We often talk about global warming, but many of our elderly would say that the chance of warmth would be a fine thing in their living rooms and bedrooms this winter. That is an urgent social issue. However, I want to begin my remarks by talking about energy security in the longer term and by dealing with the matter in a global context.

When the world comes out of economic recession, the global demand for energy will resume its previous trajectory and, depending on our success in respect of climate change, the International Energy Agency estimates that global energy demand could increase between 20 and 40 per cent. by 2030.

History is playing a trick on the British isles. At this time of globally increased demand for energy from the great emerging nations of India, China and the rest, we are moving to a position of much greater import dependency. For our country that represents not just a challenge in relation to energy supply, but a challenge that has implications for our foreign policy. When we talk about energy security, what do we mean? We should mean not just the important issue of where we get the stuff from. We should talk about our need for energy security with imports, which does not jeopardise our capacity to have an independent foreign policy that takes account of human rights and democracy, including in the countries that will be supplying much of our energy.

When Tony Blair as Prime Minister said that energy policy and energy security in the 21st century could become as important to a nation's defence and security as conventional armed forces, he was at least raising an important hypothesis for us to discuss.

During the debate we have considered some of the trends affecting our country. Yes, there is a great deal of resource still in the North sea—much to be explored in the future west of Shetland, and so on. Nevertheless, our gas and oil from the North sea are in decline by some 6 or 8 per cent. a year. That is a fact of life, although we must do our best to push the line in the right direction. Meanwhile, our nuclear energy capacity has declined from 30 per cent. at its peak to about 15 per cent. today. We know the story of coal and the missed opportunity there in an earlier generation. Our renewables are contributing more and more each year but still a very small percentage.

We must be as smart as we can in our foreign policy on energy so that we are in the game of diversity, as the Secretary of State says. We must not be over-dependent on any one fuel. We must avoid the dangers of a new dash for gas, which seriously concerns me. We should not source too much of our energy from any one company, region or country. We should build up our links with countries that are important to us, such as Qatar and in particular Norway. With the right approach, we could secure more gas from Norway.

We need diversity, and we need to ensure that in future, despite the trend towards import dependency, we secure as much of our energy indigenously, from within the British isles and our seas, as possible. That is a recipe for the Secretary of State's policy on renewables. The development towards 15 per cent. of our energy coming from renewables by 2020 is as much about energy security as it is about climate change. The two go together.

There is a role for coal. To ignore coal would be a national security disaster—hence colleagues talk perfectly properly about the importance of carbon capture and storage. Nuclear must play a key role. It is important for climate change and for the nation's security. In my report to the Prime Minister, to which the Secretary of State kindly referred, I go as far as to say that if by 2030 some 35 to 40 per cent. of our electricity was coming from nuclear, that would be sensible for the nation's security as well as for global warming. There is far more that we can do to reduce energy demand, not just in housing but across the industrial process and in transport.

In the final few minutes available to me, I shall turn from that macro perspective to a much more specific perspective on gas. As I said, I fear that there could be a new dash for gas, partly because gas power stations are far easier to build than nuclear and some other kinds of power stations. That needs to be avoided. Gas is an important part of the mix, but it should not be over-dominant. There are issues about gas supply in the UK that I set out in my report to the Secretary of State and the Prime Minister, which I know the Government are taking seriously and to which they will respond in due course. I do not expect a response today.

One such issue is that, compared with many of our continental partners, we have a relative lack of long-term contracts for gas. Companies tend to buy short-term, or sometimes "spot". Is that a problem? When we say that companies have a supply obligation, what does that really mean? In the course of the inquiry for my report, I found that the supply obligation is a bit like jelly—difficult to get to grips with. My understanding, and that of those who advised me, is that in our present system there is no way for National Grid or the regulator to establish whether, in aggregate, there is likely to be sufficient availability of gas during any one year or any

[Malcolm Wicks]

one winter. That does not mean that the gas will not be there, because companies might buy "spot" or short-term, but it is not a very secure position. Having been Minister for Energy and having had to take my share of responsibility for these things, I found myself rather less confident about some of this than the Liberal Democrat spokesman—that is a bit strange, is it not? When I did my report, that raised in my mind some serious issues about what we mean by the supply obligation. The regulator is looking into that, as is the Secretary of State, but we need to consider it carefully.

My final point is about gas storage, which is a more complex issue than those on the Opposition Front Bench—perhaps both Front Benches—fully understand. The Secretary of State said that there are arguments against strategic storage, and I understand that; but there are arguments for it, as well. It is a question of balance. If we simply go in for commercial storage, we must recognise that much of it is owned by German companies and in certain winters some of it, from places such as Rough, flows towards the continent. How do we secure in extremis—in emergency conditions—the stored gas that can be used first and foremost for British business and British homes?

5.56 pm

Mr. John Gummer (Suffolk, Coastal) (Con): I refer the House to my declaration of interest.

I very much take on board the Secretary of State's remark that we want the facts and a robust analysis. That is why I start by repeating what I said earlier—that I congratulate him on changing the way we look at these things compared with the 10 years that preceded the last White Paper. The trouble was that we were working on the basis of a White Paper without any figures—nearly all the dates and targets had been removed, with only the 50-year one left. We therefore had a situation in which nobody could have their feet held to the fire because nobody had a target that was serious and could be kept to. I honour the right hon. Gentleman very much—this may be embarrassing for him—because he has changed the whole atmosphere and we can now have a proper debate about energy in a way that was not possible for a long period. He is suffering for that, and so are the rest of us.

Starting on a personal level, I recently had a problem in my constituency that arose because somebody on the Army base did not fill a tank, which meant that a lot of my constituents did not have any gas. That was nothing to do with a national problem or any of the arguments that we have heard today, but simply a local problem. When we talk about energy security, let us realise that there are some local issues, as well as national ones, and that they are very serious for people.

How do we organise ourselves so that there is the diversity that we need, not only in terms of supply but as between the various forms of generation? I worry that we have had too much emphasis on process and far too little on outcomes. I am a great believer in renewable energy; I do not think anybody could criticise me on that score. Ultimately, however, we should be aiming to have the most cost-effective way of getting energy security and lowering our emissions. It may be better to provide more support for low-carbon generation than to put all our eggs in the basket of renewables. I say that not because I want fewer renewables but because we have to get there quickly. I would like to see a greater emphasis on outcomes than on process. For example, people in the British wind energy industry often argue on the basis of how wonderful wind is. I want to have the lowest carbon production of energy that we can have—I do not mind how we do it. Tomorrow the mix will be different from what it is today, but let us ensure that we do not miss the important issue, which is how we get the energy we need.

That leads me to say that I am terribly disappointed with the Liberal Democrats, but I suppose I should expect that. It is no good their sitting there saying, "We are against nuclear power", when in fact it is an essential part of any delivery. In my constituency we are very keen on having it, but I say to the Secretary of State that he is wrong about the planning arrangements. He is right about the first bit, which we all agree on—making the national decision about safety and need—but it is essential that there be a small local inquiry by somebody who is not one of his people but an independent person who can listen to the local issues.

That is not going to happen. We are to have another lot of apparatchiks under another lot of quangoists, who will come around looking at us sniffily. Dame Deirdre Hutton will be around again, telling everybody what to do. My constituents want an opportunity to say in public what they want in relation to the dualling of the bypass and the other issues that affect them. They want to know that they will be listened to by an independent person who then advises the Government, not by some Government-appointed apparatchik.

We must also reduce demand. I am a great enthusiast for a lot of the things that the Secretary of State is doing, but many of the details are not right yet. I was appalled to discover that the carbon commitment arrangements will exclude very large numbers of very big users because of the peculiar decision that if they do not have a half-hour meter arrangement, it does not matter how much they use. That means that a large chain of small shops could use exactly the same total amount of energy as a smaller chain with larger shops, but one will pay and the other will not. The effect will be serious, and it is a stupid thing to have happened. I am sure that he had nothing to do with it, but I merely say to him that it can be changed rapidly. Although charming, the explanation that I received is not really very effective.

I hope that the Secretary of State will accept that those of us who have largely supported his activities will have to be, to use his word, robust in sometimes saying to him, "This is just not right." If we are going to win this battle, we all have to be prepared to speak out and speak clearly. That leads to the fundamental question of how we can reduce our use of energy and produce it efficiently so that our national security position is improved. That requires a much faster move towards smart metering and smart grids. He has done us a great favour by getting on with it, but we need to get on with it very much faster. There are various ways to do that, and I hope he will be open to some dramatically different suggestions as to how to achieve that aim. We also have to do more to ensure that when we have opportunities to reduce our energy use, we take them. I am not sure that we are doing that fast enough, and I want to press the urgency of the matter on him.

I wish to say something to my Front-Bench colleagues. We will not achieve what we need to unless we use every single possible weapon. There is a way of increasing our efficiency in Europe that will make a very big difference if we are only prepared to work with our colleagues in the European Union. We have to be tough about that, because we really must use the EU as effectively as possible to deliver that end.

I say to the Government that they should move faster and accept that they are behindhand because of what has happened so far. I say to members of my own party that we have to use every mechanism possible. I say to the Liberal Democrats that it is not acceptable to go on with a theological position that is intolerable, intolerant and unacceptable—but they are, after all, Liberal Democrats, so we expect that from them. They will pay a big price for it at the next election, when people realise that the real opponents of combating climate change are Liberal Democrats.

6.4 pm

Mr. Elliot Morley (Scunthorpe) (Lab): It is a pleasure to follow the right hon. Member for Suffolk, Coastal (Mr. Gummer), and I welcome this debate on energy security. However, I was surprised about the alarmist headlines about eight days' supply. The hon. Member for Tunbridge Wells (Greg Clark) generally makes a reasoned and well balanced contribution to such debates and there are real issues to address, but I agree with the hon. Member for North Southwark and Bermondsey (Simon Hughes) that alarming industry and domestic consumers does not help—I realise that the hon. Member for Tunbridge Wells did not mention domestic consumers, but people often do not read beyond the headlines, and his statement was unjustified.

That is not to say that we should not address storage and supply to local industries. I had a case in my constituency of a company on an interruptible supply having its gas cut off, but that happened not because of a shortage of gas but because of pressure problems, which were related to cold, distribution and infrastructure—there were a number of reasons, and they may well need to be addressed. When it comes to choosing which companies have their supplies cut off, there are problems with advance notice. In addition, some companies have an alternative source, but some do not, and there is a problem with how long each is cut off. There should be a fair rotation because of the impact on certain companies compared with their rivals. I want to put on record the fact that I received enormous support and advice from the Secretary of State, who demonstrated his knowledge of the issues when I raised them with him. I am glad to say that the supply was reinstated, protecting 300 jobs locally and 1,500 nationally.

There are issues to address but, generally speaking, bearing in mind that we are in the coldest period that we have had for 30 years, supplies of electricity and gas have been pretty good, and I add my support to those who will ensure that that continues through the winter months.

John Hemming (Birmingham, Yardley) (LD): On today's figures, National Grid estimates that for a one in 20 winter, 502 million cubic metres of gas a day will be needed, but today it could produce only 447 cubic metres. Is that acceptable?

Mr. Morley: It is acceptable if gas supplies are maintained. In fact, the hon. Gentleman's colleague, the hon. Member for North Southwark and Bermondsey gave a good, detailed analysis of the capacity and reserves, which I encourage the hon. Member for Birmingham, Yardley (John Hemming) to look at. That demonstrates that diversifying our supply and moving towards a low-carbon supply is good not only in relation to climate change but in addressing the potential problems of security of supply, fuel poverty, jobs and investment. Moving towards a low-carbon economy has a range of advantages.

On fuel poverty, which is related to energy supply in the current circumstances, I welcome what has been done on insulating people's homes through the Warm Front programme. Energy efficiency is one of the cheapest and most effective ways of reducing energy demand and helping to meet social demand, and it improves the availability of supply. However, we need to do an awful lot more in the private rented sector on creating mechanisms to improve insulation.

Incidentally, I welcome the improvement in cold weather payments: my constituency will be receiving two weeks' payments. I know that this is not the responsibility of my hon. Friend the Under-Secretary of State for Energy and Climate Change, but there are some eligibility anomalies, because some people on disability living allowance do not receive the payments. Those anomalies need to be addressed in discussions with other Departments.

We need to encourage more renewables. I welcome what has been done, including the recent announcement of the enormous expansion of offshore. That is of particular local interest in my constituency. The Humber is very well placed to be a centre for the construction and maintenance of offshore wind farms, and for CCS and biomass development. Jobs in engineering and support go with those things, not least in the construction of the steel that will go into the towers that will be built. Those developments will mean jobs and investment, much to the benefit of local people.

I want to make one last, quick point. We need to encourage as great a diversity of supply as possible. Micropower has enormous potential, which has not yet been realised. I very much welcome what the Government have done on feed-in tariffs: it is exactly the right way forward. However, what is being proposed is not enough to kick-start the sector. It would be a lot better if the measures could be front-loaded to a higher feed-in tariff, which could then be tapered off, to give some incentive to get the industry going. Other measures could be introduced, such as extending the boiler scrappage scheme, which I also welcome, to combined heat and power boilers; I know that we are at the beginning of their commercialisation.

We need to use every tool and every incentive available, because we have to move to a low-carbon economy as quickly as possible. All political parties have a responsibility to get that message over to the public. The changes have to be made. We must have the planning procedure that brings them forward and we have to get behind the investment incentives, to make sure that it all happens.

6.11 pm

Mr. David Heathcoat-Amory (Wells) (Con): I am pleased to follow the right hon. Member for Scunthorpe (Mr. Morley), who speaks with great authority on these

[Mr. David Heathcoat-Amory]

matters. I want to step back from the problems caused by the cold weather snap and try to examine some of the more strategic issues.

Energy security is inescapably a duty of Governments, and this Government have let matters drift. We have heard in this debate about the decline in oil and gas reserves in British waters, the retirement of coal-burning stations because of emissions controls, and the predicted decommissioning of nuclear stations.

What is even more worrying is what is coming at us in the opposite direction because of tightening world markets and global trends, one of which is the simple fact of population increase. The population of the world is still going up by nearly 1 million every five days. If these people are to have any kind of standard of living, they are going to use increasing quantities of energy; during the next 50 years, the human race will probably consume more energy than it has used in the entire course of human history to date.

There are also political developments, with countries such as China seeking to secure their energy supply chain in a new scramble for Africa. Countries such as Russia and Venezuela are explicitly using their energy reserves as a foreign policy weapon. All that adds up to an extremely worrying global situation, just as the Government have completely taken their eye off our domestic needs. There is also our economic vulnerability; we are already running a very big balance of payments deficit in energy. That will get worse. We have had a currency devaluation, which has made us all poorer in world terms. That will not cure the problem of the financial deficit in energy unless the Government take action.

I thought that my hon. Friend the Member for Tunbridge Wells (Greg Clark) was rather too kind about the Government's record. We will all remember—or should do—the energy White Paper of 2003. In my view, it was one of the most irresponsible documents ever issued by a modern Government. It effectively shut off nuclear power development completely. Sadly, the right hon. Member for Leicester, West (Ms Hewitt) is not attending this debate. She might be an extremely incompetent plotter against the Prime Minister, but she was a great deal worse as Secretary of State for Trade and Industry. Not only did she issue that dreadful White Paper, but she sold Westinghouse, the last of the British hopes for nuclear power generation.

The consequences of that White Paper have been to reduce us from being a possible world leader to the status of subcontractor. That is extremely serious at a time when even the Government are trying to restart our nuclear programme. All that was known at the time about our decommissioning of nuclear reactors and the decline in gas and oil reserves, but instead of a concerted programme, there has been an absurd over-reliance on renewables.

I am not "anti" all renewables, and I have an interest to declare in a possible hydro scheme, but as for wind power, I noticed that the big windmill on the M4 near Reading that sometimes goes round was stationary during the recent cold snap. It is not only unwise but dangerous to suppose that renewables can make up the gap. That can be done only by nuclear power, which is virtually carbon-free in operation and is a mature technology that has been with us for more than 50 years. We could have been a world beater. There is a missed opportunity there, which we must hasten to correct. The problem of storage must be addressed, but this solution could overcome the problem of security. Uranium supplies are virtually inexhaustible, and we have large storage facilities for plutonium and enriched uranium in this country.

My last request is for the Government to participate in the next generation—the generation 4—nuclear power station programme worldwide, so that once more we can export not just energy but nuclear technology.

6.16 pm

Alan Simpson (Nottingham, South) (Lab): It is extremely unfortunate that the claim about there being eight days of gas supply left will fall into the same category as people being 45 minutes from extinction by Saddam's nuclear weapons. I say "unfortunate" because there is a crisis in energy security that has to be addressed. However, it needs to be addressed over the next eight years, not the next eight days. The 2008 House of Lords report on energy security is a benchmark to which we all ought to refer, because between 2012 and 2017 energy capacity margins in the UK will fall below the 20 per cent. security margin to which we have become accustomed. We need to have a debate, and it needs to take place now, but it should be about what we do over the coming eight years.

There are two types of security crisis. The first is a crisis driven by the supply levels and the second is a crisis of security. It is important to recognise that the affordability issue in connection with energy security is sadly epitomised by the deaths of Jean and Derek Randall, who froze to death in their own bungalow last week. They are just two examples from among the 5 million households in Britain living in fuel poverty, for whom energy security is a day by day, week by week, winter by winter crisis that they have to get through. Those households are the most severely affected by the fact that household average energy bills have risen to £1,225 a year—more than double what they were in 2003, and a 33 per cent. increase from what they were at the beginning of 2008. There is an ongoing crisis in energy affordability that households across the UK have to face.

The Select Committee on Environment, Food and Rural Affairs assessed what it would cost us if, as a country, we were to commit ourselves to eradicating fuel poverty in housing by 2016 or 2017. The estimate was that it would involve an extra cost of about £3 billion a year. If we were to do that, 83 per cent. of the households in Britain would be taken out of fuel poverty by that time. In energy security terms, one of the most critical results would be a reduction of household domestic energy consumption by 56 per cent. The first of the measures that we can take that will dramatically change both quality of life and energy security is related to demand reduction.

The second issue that the Government need to address concerns the shift into renewables. I know that the Secretary of State has been putting up a heroic battle over the feed-in tariff framework that he is about to announce at the end of this month or the beginning of next month. I have to say that my understanding is that he is not winning that battle.

Colin Challen (Morley and Rothwell) (Lab): My hon. Friend will have read the press comment that the expansion of our offshore wind generation will create a lot of foreign jobs for well-established companies. Does he agree that if we have a higher feed-in tariff than is currently proposed, we will create a critical mass in our own small and medium-sized enterprise sector, which can get into the market on a smaller scale?

Alan Simpson: That is absolutely right, provided that we set sufficiently ambitious tariffs, which I think need to include a three-year period and a 10 per cent. internal rate of return. That will give us the sort of renewables industry that the UK does not have at the moment. Those who say that a cost will have to be paid should look at the Deutsche Bank report that analysed the effect of that approach in Germany and pointed out the merit-order effect—avoided energy consumption from the most expensive fossil fuels has resulted in savings to the German Government of €9.4 billion. They achieved that simply by setting themselves that level of ambition. If we stick with our current low ambitions, we will fail miserably to take the opportunity that, as my hon. Friend the Member for Morley and Rothwell (Colin Challen) rightly points out, is there for the taking. It would deliver job security as well as energy security.

We also need to engage with a revolution in our energy thinking. I urge all Members to look at what might come to be referred to as the LichtBlick revolution. At the end of the month, a collaboration between Volkswagen and the LichtBlick company will propose a shift in energy systems thinking, to be piloted in Germany. Instead of building a power station, they are considering 2 GW of energy generation, which could cover the whole city of Hamburg. That will be based on the installation of 100,000 combined heat and power units in homes, factories, schools and health centres, all of which are not only domestically and individually controlled, but centrally co-ordinated. As energy for the city is required, instruction levels can be raised, allowing 2 GW of energy to be delivered collectively from people's own homes.

Mr. Gummer: Does the hon. Gentleman agree that the proposed system of feed-in tariffs is absolutely unsuited to such an arrangement? We need a revolution in how the feed-in tariffs work, but it should not just come from the bottom layer; we need to raise the level and involve large factories as well.

Alan Simpson: Absolutely. It is absurd that we in the UK are restricted to a 5 MW threshold, when we should have a 10 MW threshold—or no ceiling at all, as is the case in the rest of Europe. We need to consider how our towns, cities and regions can deliver their collective energy security on a level that meets their needs and in a way that is collectively owned and accountable. If we can grasp that vision, we can deliver the energy security that the country needs. That will not come from a reliance on energy tyrannies or fiefdoms elsewhere; it will come from an ability to meet those needs from our own resources. However, all that needs to be driven by a different vision, and one on a bolder scale, than is currently on offer in any of our policies.

6.23 pm

Richard Ottaway (Croydon, South) (Con): I declare an interest as an adviser to the South Hook LNG terminal, which has featured in this debate today. It is a hugely significant development, and it comes as no surprise that it was opened by Her Majesty the Queen and his excellency the Emir of Qatar earlier this year.

We have to put this debate into context. We are going through the worst winter in decades, and in the past few days, leaving aside the debate about storage, there have been shortages. As the Secretary of State said, there have been problems with the Troll field, and demand has soared at the same time. The fact that the lights are still on is due to the investment in LNG, not just at Milford Haven, but with the British Gas terminal on the Isle of Grain. That is why things are still going ahead. Those two terminals are now supplying 10 per cent. of the UK's gas. Without that storage and capacity, the lights would be off, we would be on a three-day week and the Labour party would be at 20 per cent. in the opinion polls.

The Secretary of State said that the Government had been proactive in that development. Of course they have. They have been good about it. However, the initial decision was a financial one made about seven or eight years ago. Investors did not do that just because they were concerned about the UK's energy position; they did it because they wanted to make money. The price signals at the time looked good, but now they do not look so attractive. That is why the Opposition motion's call for a new framework to attract the necessary investment is so necessary. I am astonished that the Government do not accept that part of the motion in their amendment.

We have to look at this debate in a global context, and in that respect there are four statistics that are very relevant indeed. The first is that oil and gas will remain the primary source of energy and that, together with coal, they will supply 85 per cent. of global energy needs in 2030. Secondly, by 2020, energy consumption by the developing world will overtake consumption by the industrialised world. Thirdly, natural gas is the fastest growing primary energy source. Fourthly—this is a statistic on which I differ from my constituency neighbour, the right hon. Member for Croydon, North (Malcolm Wicks)—global growth in electricity demand will grow by 55 per cent. by 2030, which raises the question whether low-carbon policies can match that growth.

The key issue to arise from all that is that in the years to come, there will be a seller's market. There will be greater competition for equipment and skills, which will cause serious problems for electricity producers. The key questions for policy makers are these. Will the investment meet the growth in demand? Is nuclear power part of the answer? There is a consensus that the answer to that is yes. Should we bet the house on renewables? Probably. Will the grid cope? Perhaps. Who will pay for that? A lot of uncertainty is caused by those factors, and that influences the debate.

On infrastructure, there remains the issue raised by the hon. Member for Angus (Mr. Weir), the spokesman for the Scottish National party, about the grid connections. We need financial incentives. Planning is now resolved, but where are the policies on tariff structures, renewable credits, CO_2 pricing, construction capacity, and fuel and site availability? All that produces a huge amount of uncertainty, which explains why so little new generating capacity has been produced over the past five years. There is now just 6.8 GW of capacity under construction,

[Richard Ottaway]

5 GW of which will come from gas. We have planned, in the pipeline between now and 2016, consent to build 11 GW of capacity, of which 8 GW will come from gas.

With 15 GW of generating capacity dropping out in 2015, I would say that we need all that capacity. There will be a large dip in capacity, so my advice to whoever forms the next Government would be to ensure that creating that extra capacity becomes their No. 1 policy priority. There is a huge amount going on, but if the market does not respond, the Government will have to become far more interventionist than they have been so far.

6.28 pm

Mr. Mark Hendrick (Preston) (Lab/Co-op): The world is facing a resource crisis. The global population is expected to increase to 9 billion by 2050. Not only is the world increasing in population; it is becoming richer. As nations such as India and China enjoy economic growth, their citizens want and can afford to consume like we do. In China, for instance, the number of cars will increase from 4 million in 2000 to 130 million by 2020. However, as demand increases our resources are becoming even scarcer. Oil and gas supplies are becoming more costly to extract. The price of oil might have dropped from the eye-watering peaks of 2008, but it has risen again quickly, to approximately $80 a barrel today.

The European Union's dependence on foreign fuel is also rising. Europe is now the world's biggest importer of energy and the second largest consumer. Europe depends on just three countries—Russia, Norway and Algeria—for nearly half its supply of gas. As has been said in this debate, there have been concerns in recent years that Russia would use that control for political purposes.

In addition, we face the constant threat of global terrorism. Al-Qaeda has threatened to attack what Osama bin Laden calls the "hinges" of the world economy, of which energy is the most crucial. The resource crisis means that the main production sites are the sources of rising tensions. About a third of the world's civil wars are in oil-producing states. Economic power is also shifting to oil and gas-rich states and the elites within them. As Thomas Friedman has argued, soaring oil prices strengthen anti-democratic regimes.

We know that energy production is a major contributor to climate change. It is therefore impossible to discuss energy without referring to the impact on our environment, and ultimately on human welfare. As it is such a huge part of the climate change problem, energy must be at the heart of any solution.

Mr. Crabb: The hon. Gentleman has been making some quite alarmist comments about imported energy sources. Does he recognise that the real stresses on the UK energy system in recent years have come from problems such as the Buncefield explosion, the fire at the Rough gas storage facility and, in recent days, ice in the pipelines that connect us to the Norwegian gas field? Those kinds of problems are the immediate challenges to UK energy security, not the threats from terrorists that he is talking about.

Mr. Hendrick: I remind the hon. Gentleman of the comment of a Conservative Front Bencher: we should expect the unexpected.

To address the twin challenges of energy security and climate change, the UK must implement various measures. Energy must be used more efficiently and we should have a diverse supply of low and zero-carbon energy sources. It is reported that International Energy Agency analysis suggests that serious action on climate change requires a

"complete transformation of the energy sector…in all countries".

It is important that we should act as part of a united Europe. It is in the interests of all major consumers to have a predictable and rules-based approach to managing energy security and climate change. It is only through co-ordinated action with our European neighbours that we can achieve that. For example, Russia is dependant on Europe as a consumer market, with 80 per cent. of its oil exports and 60 per cent. of its gas exports coming into the EU. It is essential that Europe acts collectively to maximise that consumer influence. Similarly, Europe will have the weight to negotiate with China, India, Japan and the USA only if it is a united Europe. Indeed, we recently saw action of that kind at Copenhagen.

Energy has been at the heart of the European Union since its conception, and it remains there today. In 2007, EU leaders recognised the twin challenges of climate change and energy security, and agreed to some laudable goals on energy usage, renewable energy and reducing emissions. Europe also co-operates on investments, technology transfer, mutual access to markets and predictability in commercial relations, particularly with countries such as Russia and others in northern Africa, the Gulf region and central Asia. The UK has played a central role in shaping that European action and is at the heart of international agreements. I join other hon. Members in welcoming the plans to develop a European supergrid.

A great deal of progress and development is required on clean coal and on carbon capture and storage. I know that energy efficiency is high on the Government's priority list, but we have to do a great deal more to make homes more efficient. I welcomed the Warm Front programme, which did a lot to insulate homes. In my constituency, 8,000 homes received loft insulation, double glazing and other measures to improve energy efficiency.

It will not be easy to switch to being a low-carbon economy. That change will force nations to co-operate and will require unprecedented development and use of existing and new technologies. Renewables, nuclear power and carbon capture and storage will all come into the equation. All that will cost about £10.5 trillion globally between now and 2030, but those costs will be vastly outweighed by what we will reap in environmental and energy security.

6.34 pm

Mr. Mike Weir (Angus) (SNP): Several speakers have talked about the oil and gas industry in the North sea, but I would caution Members about writing it off. The Energy and Climate Change Committee report shows that this industry still has a future, not only because there is a large amount of oil and gas in the North sea, but because there is an opportunity to use the skills developed in the North sea to move forward into renewables industries, particularly offshore wind and tidal and wave power, which could be the key to much of our energy for the future.

I agree with what the right hon. Member for Croydon, North (Malcolm Wicks) said about the dash for gas. Generating electricity might well not be the best use of our gas reserves, but the fact is that gas is a major part of our electricity generation at the moment. Under current proposals, 33 gas plants have received planning permission but are not yet in operation and another nine are under consideration, totalling about 15 MW already planned to come on stream. They will play a considerable part in our energy provision for the foreseeable future.

In Committee, I proposed an amendment to the Energy Bill to try to get the Government to look at gas combined capture and storage. The Government opposed and defeated it. I entirely understand the Government's wish to concentrate on coal in the first instance, and I understand, as do all members of the Committee, the need to get CCS for coal, but I do not understand the refusal even to consider gas for the near future. Given the amount of gas that we still use in generation, it seems to me that it is going to be part of our energy mix for the foreseeable future, so we are going to have to decarbonise gas as well. Even at this late stage, I ask the Government to think again.

In the remaining few minutes, I want to concentrate on the vital issue of transmission charges, which I raised in an intervention. If renewables are going to play a major part in our energy mix, we will have to deal with this matter. The Government have rightly announced ambitious plans for offshore wind farms, but that energy has to come ashore, get into the national grid and be transmitted to the areas where it will be used.

The current transmission regime was developed for a grid where power came from big coal, gas and probably nuclear stations, which were often located near the main centres of population, but it is not fit for a new century of renewables, when energy sources are in much more remote areas and there are greater difficulties in getting that energy into the national grid.

The locational charging methodology used by Ofgem levies higher charges on generators furthest from the main centres of demand, which generally favours those in the southern part of the UK over those in Scotland. Indeed, it has been calculated that transmission charges are £21.58 per kilowatt-hour in the north of Scotland compared to an effective subsidy of £6.90 per kilowatt-hour in London. That is a lunatic system when we are looking to develop renewables. As a result, Scottish generators produce 12 per cent. of UK generation but account for 40 per cent. of the transmission costs—about £100 million a year more than their fair share.

Wind is not the only issue here. For example, there are huge opportunities in the Pentland firth for tidal power, but we need the infrastructure to bring that power into the grid. It is not a case of putting the cost on the developer; the matter should be part of a national plan for renewables. Only last weekend, a considerable amount of controversy arose over suggestions that National Grid might be thinking of doubling or tripling charges to the islands, although it has been denied.

Will the Minister look seriously at instructing Ofgem and National Grid to undertake an objective and open analysis of the impact of locational charging, broken down by each part of the UK and by type of generation for both current and future generation mix scenarios. That should address the key question of how much more productive or competitive a renewable project in Scotland has to be to offset the impact of a locational charge. Alternative models of charging should be considered, particularly the post stamp model, which would be in the national interest as well as in the interests of generators in Scotland. If we do not get this right, I greatly fear that we will end up—

Mr. Speaker: Order.

6.39 pm

Charles Hendry (Wealden) (Con): This debate has been all too short, but we have had some absolutely excellent contributions. They have been thoughtful, constructive and well informed, showing the House at its best in terms of the expertise that it can bring to incredibly important and relevant debates such as this. The only sadness is that, as a result of its timing, we have not been able to hear from more right hon. and hon. Members. However, the contributions that we have heard have been constructive and relevant.

The right hon. Member for Croydon, North (Malcolm Wicks), a former Minister, spoke with his usual authority. So he should do: he was Energy Minister No. 7 and No. 10 of the 15 whom there have been since the Government came to power in 1997; and based on his speech he could be Minister No. 16, too. He brought to bear his global view and understanding of the issues in a constructive and helpful speech, and he was justifiably frustrated by the fact that we have not seen the report that the Government should have published in response to his helpful and constructive paper. I hope that that response will be forthcoming.

My right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) showed his expertise and understanding of the issues, and he delivered a clear wake-up call when he talked about the areas where progress is not fast enough. They include smart metering, smart grids and the drive to renewables and energy efficiency. I assure him that, although we recognise that in the European Union energy is a retained power, we totally understand the need to co-operate and work with our European partners to ensure the energy security that is necessary in a changing and challenging world.

The right hon. Member for Scunthorpe (Mr. Morley) talked about the need for diversity and rightly reminded us of the importance of fuel poverty in this debate, because there is a direct link between the security of supply and fuel poverty. Security of supply challenges do not necessarily just lead to power cuts; first, they lead to price spikes, which are damaging for consumers, and particularly for businesses.

My right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) also put the matter into a global context and talked about the international challenges that we face, including population growth. However, he reminded us clearly of the wasted opportunities and the lost years—the years when things could have been done to prepare us for the situation that we face today. Those opportunities were missed.

Mr. David Anderson: Will the hon. Gentleman give way?

Charles Hendry: I hope to be forgiven if I do not give way, because we have been very short of time in this debate. If there is time towards the end of my contribution,

[Charles Hendry]

I most certainly will give way, because I know that the hon. Gentleman has been here, waiting very patiently, throughout the debate. In fact, as he has been here so patiently throughout, I shall give way.

Mr. Anderson: The hon. Gentleman talks about the lost years, but what about the lost years of the 1980s, when the Conservative party devastated the coal industry, privatised the utilities and left us with the mess that we are in now?

Charles Hendry: I knew that my instincts were right: I should not have given way to the hon. Gentleman. In the 1980s, we set the market framework that delivered the cheapest energy prices in Europe for the next 20 years. The model has worked, and it has been pretty robust up to now.

We heard from the hon. Member for Nottingham, South (Alan Simpson), who will be a great loss to this Chamber when he steps down as a Member. He made a very thoughtful and visionary speech on themes that he has made his own during his time in the House, and he described his concern to ensure that feed-in tariffs are set at the right level. We share his concern, because we had to work very hard to put those tariffs on to the statute book, and it would be a tragedy if they were set at a level that did not deliver the benefits that we hoped for.

My hon. Friend the Member for Croydon, South (Richard Ottaway) rightly focused on the investment that has been made and the vital contribution that liquefied natural gas terminals have made to our energy security. We heard a very thoughtful speech from the hon. Member for Preston (Mr. Hendrick), and the hon. Member for Angus (Mr. Weir) brought us back to gas when he talked about carbon capture and storage. We supported him in a Division on the issue in the Energy Bill Committee yesterday, and I am sorry that we could not persuade the Government to take a broader view on CCS and help Britain take a big step forward in that area.

Much of this debate has, understandably, focused on gas storage. The Secretary of State talked about the issue, saying that we have the lowest prices in Europe, but if there were more gas storage, there would be greater price benefits to our consumers. Gas could be bought in the summer, when it is cheaper, and sold without big price spikes in the winter. There is a link between storage and pricing.

The Secretary of State also referred to the recently published national policy statement, as if that will put right gas storage. We have done a quick check, and of the 675 pages of policy statement that the Energy and Climate Change Committee is going through, seven—1 per cent. of them—relate to gas storage. That is not quite the commitment that we are looking for.

We have to recognise that all is not well. At the maximum level of gas storage in this country, we had 16 days. Last week, my hon. Friend the Member for Tunbridge Wells pointed out that we had eight days maximum storage left, and today it is down to six. Part of the problem has arisen because the Langeled pipeline has not been working at capacity, just as part of the problem four years ago was the fire at the Rough storage facility. There are no grounds for complacency because of the external pressures that are creating a real problem of demand. This is the third time in four years that we have been down to a few days of gas storage. Indeed, if it had not been for the recession—with demand overall down by 5 per cent. and industrial demand down by 15 per cent.—there is no doubt that we would be in very difficult circumstances now, and possibly having outages.

We are in the strange position that the electricity interconnector with France is still exporting 2 GW of power at a time when our own industrial users are being asked to switch off their gas. That is something that the market decides that it wants to do, but we would be much more comfortable about that if we had more gas storage and knew that our industrial users would be able to work when they wanted to do so.

Much of the rest of the debate dealt with the issues of electricity generation. In the Secretary of State's opening remarks—I am sorry that he is not in his place—he talked about the need to focus on the facts. He talked about wind, but he did not mention the need for massive back-up to make wind power reliable. In this cold spell, one fifth of 1 per cent. of our electricity has come from wind, which shows the extent to which back-up is necessary. He spoke about offshore wind, but he did not mention the fact that we are potentially losing some of the best companies in the country, such as Aquamarine and Pelamus, which are now looking to invest in the US and Portugal, because greater support is coming from their Governments. Nor did he mention the problems with the supply of ships, cranes, skills and funding—and apart from those problems, everything is going really well! The Secretary of State talks about the positive aspects, but he does not mention the challenges.

The Secretary of State talked about nuclear, but he did not really comment on the fact that Vincent de Rivaz, the chief executive of EDF, said this week that the key driver of investment will be a floor price in carbon. What is the Secretary of State's position on that? On carbon capture and storage, he did not talk about the need for a real Government vision on the investment in pipeline infrastructure and a body to ensure that we co-ordinate the work in that area.

The Government's approach has been characterised by a mass of ambitious targets that sound good, but we have no road map for getting there. There is a road map for nuclear, but on everything else nobody knows who is responsible for doing what and when in order to meet the targets. That has led to Ernst and Young saying that we need £200 billion of new investment in our energy infrastructure over the next 15 years—£50 billion in the next five years—because of the failure to secure that investment in the past.

We face a real challenge and a significant wake-up call. Several things have happened today that reinforce that point. Alistair Buchanan, the chief executive of Ofgem, has warned that Britain's gas market faces a "cliff edge" in 2015-16 that could cause supplies to run short by the end of the decade. Some of Britain's largest businesses have written to the *Financial Times* to say:

> "The bottom line is that the UK was unable to meet the needs of all consumers...As a nation, we need to take security of our energy supply more seriously."

It has also been announced that half the members of the Chemical Industries Association say that increased gas storage is essential to future investment by their companies in the UK. Reuters is even quoting an unlikely source who should know the facts, who said today:

> "There is clearly an urgent need for additional gas storage in the UK".

We welcome the Secretary of State to the cause.

The truth is that the Labour party has always been the party of energy insecurity. In the 1980s, it opposed the building of Sizewell B. In 1997, it was elected on a commitment to move away from gas to coal just as our coal production was beginning to decline and imports were increasing. In 2003, the Government ruled out nuclear as having any role to play in future energy policy, only to reverse that decision four years later. They have known for years about the amount of our capacity that will be decommissioned, but they have failed to secure the new investment. This debate is not just about the challenges of this week, but the longer-term issues facing our nation on which the Government have been found wanting.

6.50 pm

The Parliamentary Under-Secretary of State for Energy and Climate Change (Mr. David Kidney): I, too, agree that this impressive debate has shown the House at its best; the contributions, coming from people with great knowledge, forcefulness and passion, have been superb. I know that some people who wanted to speak have not been able to. My hon. Friend the Member for Copeland (Mr. Reed) failed to have an intervention accepted by the hon. Member for Tunbridge Wells (Greg Clark). My hon. Friend is a superb and unique representative of his constituents and a person with great knowledge of the nuclear industry, and we would have benefited from his contributing to this debate. The same could be said of my hon. Friend the Member for Blaydon (Mr. Anderson), who got in with a couple of telling interventions about the coal industry. He is a doughty champion for the coal sector in this country.

I pay tribute to and thank our energy sector and its workers for ensuring that energy supplies have been maintained. Over the past 10 days, we have experienced severe weather and the most prolonged spell of freezing conditions across the United Kingdom for 29 years and there have been record levels of gas demand. The UK's energy system has coped well. There have been no unplanned interruptions to gas supply, despite the record demands. As has been widely reported, some industrial customers on commercially interruptible contracts had their supplies reduced temporarily. That was in line with commercial arrangements and is part of the normal working of the market.

That market has also worked well, with imports responding to the need for extra gas in the UK—I include liquefied natural gas and flows through the interconnector in that. In particular, I wish to thank the National Grid Company for its role in balancing the gas system during these challenging times. Let us not forget that the electricity infrastructure has also performed well, with the faults caused by the most severe weather on 6 January being quickly addressed and the supply restored—the last few customers had it restored over the weekend. The UK electricity industry has an excellent standard of service—the reliability for 2008-09 was 99.989 per cent. That typifies the robustness of the UK's energy system and we fully intend it to be maintained this year, next year and every year.

Mr. Andrew Pelling (Croydon, Central) (Ind): My point is not weather-related. Unfortunately, my constituents have been suffering from a periodic set of power cuts. It is particularly frustrating when Christmas day is spoilt for Croydon residents because of power cuts, and on 4 January, more than 4,500 residents lost out. Does the Minister think that perhaps more should be invested in maintaining the system and that perhaps the return on equity for EDF in London is too high?

Mr. Kidney: I assure the hon. Gentleman that I will make inquiries on that point and see whether I can say more after I have the facts.

Our plans commit us to tackling climate change, ensuring security of energy supplies and keeping energy costs affordable. We want to ensure that all consumers have a fair deal. As everyone in the debate has said, the key to security of energy supply is diversity of energy supplies and sources. Last July's transition plan outlines how nuclear power, alongside a sevenfold increase in renewables and investment in clean fossil fuels, will help us to achieve a low-carbon future and secure the UK's energy supply.

I shall say a little more about those customers. We have heard about some worrying incidents relating to elderly people who were concerned about the cost of keeping their homes warm. The hon. Member for North Southwark and Bermondsey (Simon Hughes) talked of people who were frightened last week by scaremongering stories in the media from the Conservatives and of elderly people feeling that they could not keep their heating on. That is an appalling state of affairs and we need to send the message from this Chamber that people must keep their heating on during this dangerously cold weather. My hon. Friend the Member for Nottingham, South (Alan Simpson) reminded us of the personal cost behind the statistics on excess winter deaths. I assure the House that the Government are determined to do all that we can to eradicate fuel poverty in this country.

Many people pointed out the obvious fact that the more energy use we can avert, the greater our success will be in cutting carbon emissions, assuring ourselves of energy security and, of course, cutting our energy costs. The Government take seriously the need for energy efficiency in many fields. One is transport, an area of policy that has not been covered, perhaps for understandable reasons, but in which there are great gains to be made through energy efficiency. Another is domestic properties, and millions of people in this country have been helped to insulate their homes by schemes such as the Government's Warm Front and the suppliers' obligation, currently called CERT—the carbon emissions reduction target.

Let us not forget the contribution that commercial businesses need to make to avert costs in energy and reduce their carbon emissions. We help with expert advice, interest-free loans and mechanisms such as climate change agreements and the emissions trading scheme. The right hon. Member for Suffolk, Coastal (Mr. Gummer), who is no longer in the Chamber—

Rob Marris: Yes, he is.

Mr. Kidney: Ah, there he is! Thank you.

The right hon. Gentleman mentioned the carbon reduction commitment energy efficiency scheme that begins in April. I take to heart his comments about the design of the scheme and about who will be admitted to it, but the truth is that some of the largest emitters of carbon will be entered into the scheme and they will cut their carbon emissions as well as making savings on their energy bills.

Many hon. Members referred to the contribution of renewables, including my right hon. Friend the Member for Scunthorpe (Mr. Morley) and my hon. Friend the Member for Nottingham, South. Most of those who spoke in the debate gave a warm welcome to last week's announcement of the round 3 offshore wind licences. This country was already the world leader in connected energy from offshore wind, and our performance in that area is now putting a considerable distance between ourselves and the rest of the world. But we do not rely solely on wind as a source of renewable energy, important though it is. There is also biomass, hydro, solar, heat pumps and many other sources that we promote. I noted the considerable enthusiasm around the Chamber for microgeneration, and a general welcome for feed-in tariffs, which at long last will begin in this country this April.

Many hon. Members also referred to the contribution of nuclear, including the right hon. Members for Wells (Mr. Heathcoat-Amory) and for Suffolk, Coastal, the hon. Member for Croydon, South (Richard Ottaway) and my right hon. Friend the Member for Croydon, North (Malcolm Wicks). I have already said that my hon. Friend the Member for Copeland would have liked to contribute to the debate on nuclear. I remind hon. Members that we have put in place the legal framework for new nuclear, including provisions on payment for the storage of waste and on decommissioning, and the planning changes to ensure that the process will be quick. The economic environment that we have put in place has already enabled three consortiums to commit to building new nuclear power in this country that will produce 16 GW of energy.

Many hon. Members mentioned the importance of carbon capture and storage. What is so crucial about CCS is that, as we invest more and more in renewables, which produce electricity for the national grid intermittently, we will need the back-up that reliable sources such as coal and gas can offer. The consequences of their carbon emissions are too great to contemplate, however, without a means of abating those emissions. That is where CCS will be so important, which is why it is good that our Government are now committed to four CCS demonstration projects on a commercial scale.

I would have liked to spend longer talking about all the points that hon. Members raised. I agree with my opposite number, the hon. Member for Wealden (Charles Hendry), that it has been such a good debate that it deserved more time. I started by thanking all those who have worked to ensure that our energy supplies were maintained during the period of severe weather. It has brought home to us how valuable the jobs of today's energy workers are, but I should like to address my final remarks to the energy workers of tomorrow. Let me point out to today's schoolchildren, students and young men and women that these are vital jobs to be filled. They will help us to save the planet and to keep this country's energy secure and affordable. They will be skilled, well-paid and highly respected by others. What more incentive do those young people need in order to sign up?

Question put (Standing Order No. 31(2)), That the original words stand part of the Question.

The House divided: Ayes 182, Noes 355.

Division No. 38] **[6.59 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Curry, rh Mr. David
Davies, David T.C.
(Monmouth)
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Nadine
Duddridge, James
Duncan, Alan
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh
Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Howell, John
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lancaster, Mr. Mark
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne

McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penrose, John
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Chloe
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Sir Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Willetts, Mr. David
Williams, Hywel
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Bill Wiggin and
Mr. Stephen Crabb

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Sir Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Burstow, Mr. Paul
Byers, rh Mr. Stephen
Byrne, rh Mr. Liam
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clegg, rh Mr. Nick
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gidley, Sandra
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, rh John
Heath, Mr. David
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Holmes, Paul
Hood, Mr. Jim
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Howarth, David
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
MacNeil, Mr. Angus
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John

Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
Mason, John
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Pelling, Mr. Andrew
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C.
  (Sheffield, Hillsborough)
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thomas, Mr. Gareth
Thornberry, Emily
Thurso, John
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Twigg, Derek
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Noes:
Steve McCabe and
Mrs. Sharon Hodgson

Question accordingly negatived.

Question put forthwith (Standing Order No. 31(2)), That the proposed words be there added.

The House divided: Ayes 285, Noes 173.

Division No. 39] **[7.15 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Byers, rh Mr. Stephen
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Fiello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Michael
  (Worcester)
Foster, Michael Jabez
  (Hastings and Rye)
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Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
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Gwynne, Andrew
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Hall, Patrick
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai

Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hood, Mr. Jim
Hope, Phil
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C.
(Sheffield, Hillsborough)
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Waltho, Lynda
Ward, Claire
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Steve McCabe and
Mrs. Sharon Hodgson

NOES

Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Bottomley, Peter
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browning, Angela
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, Mr. Dai
Davies, David T.C.
(Monmouth)
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Nadine
Duddridge, James
Dunne, Mr. Philip
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Foster, Mr. Don
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. Johh
Hague, rh Mr. William
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh
Mr. David
Hemming, John
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Knight, rh Mr. Greg
Lancaster, Mr. Mark
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
MacNeil, Mr. Angus

Mason, John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Paterson, Mr. Owen
Pelling, Mr. Andrew
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simpson, David
Smith, Chloe
Spicer, Sir Michael
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Taylor, Matthew
Taylor, Dr. Richard
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Viggers, Sir Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Watkinson, Angela
Weir, Mr. Mike
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy

Tellers for the Noes:
Mr. Roger Williams and
Sir Robert Smith

Question accordingly agreed to.

The Deputy Speaker declared the main Question, as amended, to be agreed to (Standing Order No. 31(2)).

Resolved,

That this House notes that around 20 gigawatts of new power generation is either under construction or has been consented to; believes that during a time of historically low temperatures and the highest ever gas demand in recent days, the country's energy infrastructure has shown resilience; further notes the increase in gas import capacity by 500 per cent. in the last decade, and the increase in the diversity of sources of gas, including liquefied natural gas and gas imports through interconnectors with Norway and continental Europe; commends the Planning Act 2008, which has created the circumstances for greater onshore gas storage as well as for new nuclear power stations and other low carbon energy infrastructure, and the Energy Act 2008 which has created the circumstances for greater offshore gas storage; backs the development of the grid to make it ready for a low-carbon energy mix; supports the Government's drive towards greater energy efficiency in homes through programmes such as Warm Front, the Carbon Emissions Reductions Target and Community Energy Savings Programme, all of which contribute to fighting fuel poverty, and in businesses through programmes such as the forthcoming Carbon Reduction Commitment Energy Efficiency Schemes; commends the Government's wider plans to embark on the Great British Refurb, where up to seven million homes will have whole house makeovers by 2020; and further supports an approach based on strategic government and dynamic markets that maintains the country's energy security as well as developing more diverse energy supplies, including clean coal, renewable and nuclear energy.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): On a point of order, Mr. Speaker. My hon. Friend the Member for Westbury (Dr. Murrison) asked an important question about western Sahara at Prime Minister's questions. In his answer, the Prime Minister stated:

> "The one thing that we have tried to do is increase—indeed, double—our aid to these areas".

I had a debate in Westminster Hall on aid to north Africa, because I feel passionately about the region. Department for International Development aid to north Africa has fallen from £3.5 million in 2003-04 down to £500,000 in 2005-06, and to £0 in 2007-08. When spending by other Departments is included, aid to north Africa was £38 million in 2003-04, falling to just £2.8 million in 2007-08. Could I ask you, Mr. Speaker, whether you could ask the Prime Minister, before he makes these replies, to get his facts straight?

Mr. Speaker: I am grateful to the hon. Gentleman for his point of order and for his courtesy in giving me advance notice of it. The clue to the answer to his question lies in his reference to a debate that has taken place. I say to the hon. Gentleman that this is essentially a matter of debate—hotly contested debate, I might add. He has placed his views on this matter, and his views of the Prime Minister's stance on it, very firmly and clearly on the record.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)).

BROADCASTING

That the draft Community Radio (Amendment) Order 2010, which was laid before this House on 23 November, be approved—*(Mr. Blizzard.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

CONSTITUTIONAL LAW

That the draft Local Government (Wales) Measure 2009 (Consequential Modifications) Order 2009, which was laid before this House on 24 November, be approved.—*(Mr. Blizzard.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

CRIMINAL LAW

That the draft Criminal Justice Act 2003 (Mandatory Life Sentence: Determination of Minimum Term) Order 2009, which was laid before this House on 25 November, be approved.—*(Mr. Blizzard.)*

Question agreed to.

SECTION 5 OF THE EUROPEAN COMMUNITIES (AMENDMENT) ACT 1993

Motion made,

That, for the purposes of its approval under section 5 of the European Communities (Amendment) Act 1993, the Government's assessment as set out in the Pre-Budget Report 2009 shall be treated as if it were an instrument subject to the provisions of Standing Order No. 118 (Delegated Legislation Committees).—*(Mr. Blizzard.)*

Hon. Members: Object.

NATIONAL SECURITY STRATEGY (JOINT COMMITTEE)

Ordered,

That—

the Lords Message of 7 January communicating a Resolution relating to National Security Strategy (Joint Committee), be now considered;

this House concurs with the Lords in the said Resolution;

and the following Standing Order be made:

(1) There shall be a Select Committee, to consist of 12 Members, to join with the Committee appointed by the Lords as the Joint Committee on the National Security Strategy, to consider the National Security Strategy.

(2) The committee shall have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to report from time to time, and to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference, and to adjourn from place to place within the United Kingdom.

(3) The quorum of the committee shall be three; and

(4) Unless the House otherwise orders, each Member nominated to the committee shall continue to be a member of it for the remainder of the Parliament.—*(Mr. Blizzard.)*

NATIONAL SECURITY STRATEGY

Ordered,

That Mr James Arbuthnot, Margaret Beckett, Sir Alan Beith, Des Browne, Malcolm Bruce, Mike Gapes, Dr Kim Howells, Peter Luff, Mr Paul Murphy, Sir Malcolm Rifkind, Paddy Tipping and Keith Vaz be members of the Select Committee appointed to join with a Committee of the Lords as the Joint Committee on the National Security Strategy.—*(Mr. Blizzard.)*

ADJOURNMENT (FEBRUARY)

Motion made, and Question put forthwith (Standing Order No. 25),

That this House, at its rising on Wednesday 10 February 2010, do adjourn till Monday 22 February 2010.—*(Mr. Blizzard.)*

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 20 January (Standing Order No. 41A).

PETITIONS

Badman Report (Reading East)

7.31 pm

Mr. Rob Wilson (Reading, East) (Con): I should like to present this petition on behalf of some of my constituents in Reading, East.

The petition states:

The Petition of persons resident in the Reading East parliamentary constituency,

Declares that they are concerned about the recommendations of the Badman Report, which suggests closer monitoring of home educators, including a compulsory annual registration scheme and right of access to people's homes for local authority officials; further declares that the Petitioners believe the recommendations are based on a review that was extremely rushed, failed to give due consideration to the evidence, failed to ensure that the data it collected were sufficiently robust, and failed to take proper account of the existing legislative framework.

The Petitioners therefore request that the House of Commons urges the Secretary of State for Children, Schools and Families either not to bring forward, or to withdraw, proposed legislative measures providing for tighter registration and monitoring of children educated at home in the absence of a thorough independent inquiry into the condition and future of elective home education in England; but instead to take the steps necessary to ensure that the existing Elective Home Education Guidelines for Local Authorities are properly implemented, learning from current best practice, in all local authorities in England.

And the Petitioners remain, etc.

[P000700]

Incinerator (Gloucester)

7.33 pm

Mr. Parmjit Dhanda (Gloucester) (Lab): On behalf of my constituents in Gloucester, I should like to present this petition, which objects to the building of the 10-storey incinerator that has been proposed by Conservative-run Gloucestershire county council. It calls for the removal of incineration from the waste plan. The petition, and other associated petitions, have been signed by 1,160 of my constituents in Gloucester. I am delighted that three of Gloucestershire's Members of Parliament are here to support it.

The petition states:

The Petition of residents of Gloucester and surrounding areas, and others,

Declares that the Petitioners believe that the County Council is proposing to build a large scale incinerator in or around Gloucester capable of burning 175,000 tonnes of waste, much of which could be imported from around the country.

Further declares that the Petitioners believe that other options have not been given sufficient consideration, and that local councillors should oppose incineration and should consider other more environmentally friendly options instead.

The Petitioners therefore request that the House of Commons urge the Government to call upon the City and County Councils to rule out incineration from Gloucestershire's waste plan.

And the Petitioners remain, etc.

[P000708]

Sovereignty of Parliament

Motion made, and Question proposed, That this House do now adjourn.—*(Mr. Blizzard.)*

7.35 pm

Mr. William Cash (Stone) (Con): The fundamental issue that lies at the heart of this debate is the democratic freedom of choice at the ballot box—the free choice of the voters of the United Kingdom to decide the laws under which they are to be governed and to deal with the question of who governs Britain. This is a vital matter of national interest as we approach the general election, which will probably take place in May. It is therefore also a vital element of the political manifestos.

The issue of parliamentary sovereignty is essentially a practical one that affects every voter and every man, woman and child in the country on a daily basis in a very direct way. It invades every nook and cranny and, according to any reasonable estimate, affects at least 70 per cent. of the vast array of laws that stream out of the European Union like a tsunami, as I witnessed again today in the European Scrutiny Committee, on subjects including criminal law, state aid, financial regulation, relations with Russia and internal security.

In practice, it is not only the individual laws that are affected but whole spheres and even the running of our Parliament, not to mention public and local authorities. This influence is everywhere, and most of the provisions do not work. There are burdens on business, and overregulation, as well as rules governing the dreadful state of our public finances, debt levels and questions of public expenditure through the absurdly named stability and growth pact, which does not provide stability, growth or a pact. The whole of our justice and criminal law system is affected, as are the regulation of the City of London and the role of the Bank of England and financial services. Family law is affected, and so are the common agricultural policy and the common fisheries policy, the rebate, regional policy making, energy policy—which we have just debated—and the consequences of immigration.

The European Union costs the United Kingdom £2,000 for each man, woman and child, according to the Taxpayers' Alliance, and the new, unacceptable proposals for enlargement involve countries that are sometimes neither appropriate allies nor intrinsically democratic.

The European Union also affects foreign policy and defence. Only a few months ago one of the world's leading strategists, George Friedman of the STRATFOR foundation, described in a book the unsustainable assertions of success of the European Union that the European elite and their fellow travellers claim as being "in benign chaos". He describes the European Union as a "schizophrenic entity", just as I have often done. He said, as I often have, that "Germany's position is unpredictable" and that it

> "will be engaged in traditional power politics"

with an ambivalent relationship with Russia. Russia is also important to us as a nation because of our problems with energy security and its grip on gas supplies, as we discussed in the European Scrutiny Committee today and debated on the Floor of the House this afternoon.

The instability in Europe as a whole affects our sovereignty. We are so bound into European integration that a breakdown, with the intrinsic instabilities in the eurozone that were identified by Ralph Atkins in an 11-point article in the *Financial Times* a few days ago and with unemployment rising by between 10 and 20 per cent. in many member states, buttressed by the issue of flimsy paper money, is liable to affect our sovereignty.

I predicted in the early 1990s that, because of the lack of a sufficient safety valve, in the other European Union countries and in this country a time of economic stress would encourage the rise of the far right and rioting in the streets to fill the vacuum. There is no safety valve. The safety valve of democracy is essential for us to be able to ensure that we can maintain stability in our own country.

Those issues are now becoming increasingly prevalent in Greece, Italy and many parts of the eurozone, with new members of the EU effectively bankrupt and reliant on state aids amounting to £254 billion and financial aid of a further £193 billion, as we heard today in the European Scrutiny Committee. All that is unmatched by any reasonable prospect of growth and enterprise in Europe under the Lisbon agenda, all of which puts intense pressure on our own parliamentary democracy. In the last year, the European Commission approved no less than £3,000 billion in aid. That speaks for itself.

We should remind ourselves of the debates that took place at the time of the creation of the constitution of the United States and the insistence by Thomas Jefferson on the importance of states' rights and sovereignty, without going down the route of a federal system in Europe. We need to remember what John Taylor, Jefferson's great ally and amanuensis, stated in his work on the constitution of the United States:

> "sovereignty is the highest degree of political power, and the establishment of a form of government, the highest proof which can be given of its existence".

To ignore that proposition, or to bypass it, would be like discussing human biology or the genome while ignoring the arterial blood system, the supply of oxygen or the functions of the heart.

I doubt whether the BBC will even refer to this debate or my proposals, which is as the establishment would wish it: "Keep it under wraps! Don't tell the people and it will go away."

Mr. Andrew Pelling (Croydon, Central) (Ind): On the point about the establishment, would it not be best to give back to the people the choice of whether sovereignty should be taken away from this place, by having a referendum on whether we should stay in the EU on the same day as a general election?

Mr. Cash: I have made my position clear repeatedly—probably about 10 times in debates on various Bills over the past 15 or 20 years. I believe that there should be a referendum, as I indicated in the debate on the Maastricht referendum all those years ago. Indeed, when my Bill on parliamentary sovereignty is published tomorrow, Members will see in it references to a referendum on parliamentary sovereignty, because parliamentary sovereignty involves the notion of an Act of Parliament to authorise a referendum.

Mr. David Drew (Stroud) (Lab/Co-op): I might not share all the hon. Gentleman's analysis, but I certainly share the belief that our parliamentary sovereignty is being completely undermined by the EU. There might not be a referendum at the time of the general election, but the Government are committing themselves to a referendum on electoral reform. Might that be an opportunity for a further referendum?

Mr. Cash: I would be delighted if the Bill proposing the referendum on electoral reform included a long title so vague as to enable us to get a referendum in on the other matters too. In constitutional terms, it is ludicrous for us to have a series of referendums on matters such as those just referred to, but not on the central question lying at the heart of these issues, which is who governs us and how.

It is all too boring or exacting for the establishment and others, including some parts of the media, to examine the question of what lies at the heart of parliamentary sovereignty, particularly when we can watch Ant or Dec or "The X Factor" although our democracy is on the line. Parliamentary sovereignty is the elephant in the room, but not even the room can be mentioned if it has the word "Europe" on its portal. Ignoring parliamentary sovereignty, the freedom of choice and the democracy that it represents is like discussing religion without reference to the Bible or the Koran.

No one has the right to ignore this issue, because it affects every person in this country. It is not settled policy and it cannot be laid to rest. It affects the voter in every way. It affects the rule of law, the role of the judiciary and that of the civil service, and only in Parliament can it be resolved. The Government's position, in contrast to that of the Conservative party, is one of the abandonment of the fundamental truths of that statement. The Government have duped the British people into dangerous waters, and that betrayal is represented by the signing and enactment of the Lisbon treaty. Indeed, a few years ago I and the then Foreign Secretary, now the Justice Secretary, exchanged questions for more than six months about whether Parliament and an Act of Parliament could prevail over the prerogative. Eventually he had to climb down.

I remind the House that, for the first time in recent memory, the Conservative party has been, to all intents and purposes, united in supporting parliamentary democracy and sovereignty, rejecting not only the constitutional treaty but its terrible twin, the Lisbon treaty. Furthermore, my right hon. Friend the Member for Witney (Mr. Cameron) has reaffirmed my continuous call, made for more than a decade, for an association of nation states, which would be founded on the principle of parliamentary sovereignty. He has proposed a sovereignty Bill in that framework, because he recognises the danger that we are in. I have addressed the exact framework of a Bill for that purpose in my United Kingdom Parliamentary Sovereignty Bill, to be published tomorrow, which will be on the Order Paper and among the papers delivered to all hon. Members. My Bill has been considered and vetted by pre-eminent constitutional authorities and its text is encompassed on but one sheet of a parliamentary page, in a mere five short clauses.

Mr. Peter Bone (Wellingborough) (Con): I am grateful to my hon. Friend, who is being very generous in giving way. Is not tonight an example of the Conservative party speaking with one voice on Europe, with my hon. Friend rowing behind the Leader of the Opposition by bringing forward a proposal similar to what will be brought forward by the Conservative party in the next Government?

Mr. Cash: I am delighted to confirm that I believe and hope that that will be case. I should mention, however, that as long ago as 1986, I proposed a supremacy of Parliament amendment to the Single European Act, which included the words:

> "Nothing in this Act shall derogate from the Sovereignty of the United Kingdom Parliament."

Had that amendment been accepted by the then Speaker and voted through, when we had a substantial majority in the House, it would have retained for this country a veto over the working time directive, as well as over many other examples of damaging legislation under that Act, including recent legislation relating to the undermining of the City of London. That issue will become ever more apparent when the full implications of the European Commission's proposals for the financial regulation of the banks and financial services within the jurisdiction of the European Court become entrenched. Those proposals will effectively be unamendable without the kind of proposals that I am putting forward for the defence of the sovereignty of the United Kingdom Parliament.

Indeed, in 1986 I was even refused the right to move my amendment. On three more recent occasions, however, not only have the House authorities, with advice, facilitated the moving of my supremacy of Parliament amendments—in relation to the then Legislative and Regulatory Reform Bill in 2006 and, shortly afterwards, the Constitutional Reform Bill and other constitutional matters—but on those occasions my right hon. Friend the Member for Witney gave instructions to the Whips for my amendments to be endorsed by the party as a whole following the debate, overriding the Government's implementation of respective European legislation, and asked me whether our Whips could put forward Tellers to support my proposals.

On every occasion, the Government have opposed those amendments, including by specifically voting against my sovereignty of Parliament amendments in respect of the Lisbon treaty, which is a policy that is nothing short of appeasement. I therefore applaud the proposals made by my right hon. Friend for a sovereignty Bill, as does the whole Conservative party. However, the question remains how far such a sovereignty Bill would extend. The proposals and issues that I will now address will certainly need to be encompassed by any such proposals of my own which I know will have the backing of a substantial majority of the Conservative party in Parliament and elsewhere, and, to judge from recent opinion polls, well over 70 per cent. of the electorate.

I am putting forward a proposal based on the rejection of European government, albeit with co-operation on European trade, and on endorsing global trade and political co-operation and democracy in our national interest, with a reversion to an association of nation states in Europe, which is what I believe the people of this country really want. Indeed, the original White Paper that led to the European Communities Act 1972 clearly stated that we had to retain the veto as part of our parliamentary sovereignty, in order to sustain the vital national interests of the voters of the United Kingdom, and not only for our sake, but

> "to preserve the very fabric of the European Community itself."

[Mr. Cash]

Why so? Simply because there is no greater vital interest than freedom of choice at the ballot box in every part of the European Community—now the European Union. That has been severely undermined by successive treaties and by this Government's betrayal in signing and enacting the consolidating Lisbon Treaty, which encompasses all the treaties. Now is the time, in our manifesto, to reassert and reaffirm the full measure of parliamentary sovereignty of the United Kingdom in line with our constitutional law and practice. We want not theology but practicality; we want not EU bureaucracy but UK democracy. It is not anti-European to be in favour of democracy.

What are the constitutional issues that we have to address? In particular, they are the assertion of European Union institutions, including the European Commission and the European Court, that they have ultimate jurisdiction over our law-making, our laws and, specifically and dangerously, our constitution and our Parliament. Other countries, too, are concerned about those assertions, but we in the mother of Parliaments have a leadership role to play in defending the rights of our voters to continue their freedom to make their choice at the ballot box without let or hindrance. That must be the case irrespective of majority voting, irrespective of the lethal power of the former so-called co-decision procedure in the European Parliament—now ominously described as the "ordinary legislative procedure"—and irrespective of the assertions of the European Court of Justice. That is no less of an issue than when we had to resist invasions of another kind that threatened to undermine our sovereignty and our nationhood in the dark days of the 1930s and 1940s.

Until 1972 we were moving towards greater democracy, but we have been moving away from it since then, and we must redress the balance in terms of our parliamentary sovereignty now, in the coming general election. Our constitutional case law is crystal clear. The judgments of Lord Denning in MacCarthys *v.* Smith, Lord Diplock in Garland *v.* British Rail and Lord Laws in the Metric Martyrs cases all correctly assert the tradition and history of this country for centuries—certainly since the Reform Acts of the mid-19th century, when modern democracy was born—that the latest Westminster enactment, clearly and expressly stated, prevails against any past enactments inconsistent with it or overriding it, including those that are derived from the implementation of the European Communities Act 1972. That is specifically the case when the words

"notwithstanding the European Communities Act 1972"

are placed in the inner bailey of a Westminster enactment.

My right hon. Friend the Member for Witney has made it clear that he regards the repatriation of economic competitiveness as an imperative requirement, just as Jefferson rightly insisted on states' rights. My right hon. Friend stated only this week that his watchword is "responsibility". That approach has lain at the heart of my efforts of the past 25 years to insist upon parliamentary sovereignty as the fulcrum of our representative government.

The problem is now acute, because, although the European Court of Justice has asserted its claims for more than 40 years in the cases of Handelsgesellschaft, Van Gend en Loos and Costa *v.* ENEL, those were but puny assertions until the enactment of the Lisbon treaty, which the Government have treacherously driven through. That treaty includes declaration 19, which gives guidance to our courts and others and which asserts and affirms the case law of the European Court. That case law involves the Court asserting its jurisdiction over not only our laws and law-making, but our constitution, which belongs to the British people, the voters at the ballot boxes and no one else.

It would be irresponsible to ignore this issue, and it would be equally irresponsible to allow the current state of affairs and the assertions of the European Court and the Lisbon treaty to be embedded by the effluxion of time. We should recall that other seminal constitutional change, in the beneficial direction of greater democracy, became embedded as this Parliament evolved through the 17th, 18th and 19th centuries as we moved towards greater democracy. It is unforgivable to allow the current undermining of our parliamentary sovereignty, away from our hard-won democracy, not to mention the necessity for [illegible]al radical reform of the procedures of the Ho[illegible]utting and guillotining of Bills and the Governmen[illegible] refusal to devote proper time for Bills to be debated undermines our parliamentary sovereignty. I regret to have to say that I had to describe our Parliament in my evidence to the Wright Committee as "a sham" for that reason. I would add to those issues the way in which we have been invaded by these assertions from the European institutions.

We need to restore our democracy, and reasserting parliamentary sovereignty is essential in that cause. To prevent discussion in the media or the BBC would be, and is, an outrage, and it would be irresponsible merely to endorse the principle of sovereignty without dealing with the problem in its entirety. For if we were merely to fill half the cup of sovereignty by enacting an inadequate sovereignty Bill in our response to the European integration process, the Lisbon treaty and the assertions of the European Court, we would be handing an opportunity to our own courts, including the Supreme Court, in the interpretation of any present or future legislation, to endorse the assertions of the European Court over our constitution and law-making in the light of the declaration of the primacy of European law set out in declaration 19 in an annexe to the Lisbon treaty.

We must explicitly and expressly restrain our judiciary from having any opportunity of so interpreting European legislation and applying the constitutional assertions of the European Court, precisely so that we may explicitly preserve our own parliamentary sovereignty and with it the rights of the British people, who have fought and died over many generations, with blood and treasure. This is their Parliament, not our Parliament, and we not only have no right to take away their heritage, but we have a duty to preserve it.

We need, in the words of John of Gaunt, "a moat defensive" to the invasion of this House. As John of Gaunt clearly stated—

The Minister for Europe (Chris Bryant): This is Shakespeare.

Mr. Cash: As Shakespeare said, using the words of John of Gaunt, we must defend

"This land of such dear souls, this dear, dear land,
Dear for her reputation through the world",

which, as he put it, "is now leased out"—and, I say, with this latest treaty in mind,

> "is now bound in with shame,
> With inky blots, and rotten parchment bonds".

As he continued:

> "That England, that was wont to conquer others,
> Hath made a shameful conquest of itself"—

with the betrayal of our people by this Government over the Lisbon treaty. That is why we must reaffirm and reassert our parliamentary sovereignty and successfully defend ourselves yet again, as we have so often over centuries past.

7.57 pm

The Minister for Europe (Chris Bryant): It is always a great delight to hear the hon. Member for Stone (Mr. Cash). I heard him referred to the other day as a pillar of the community and a pillar of Parliament, but I am afraid that his speech this evening has shown that he is rather more an ornamental than a load-bearing pillar. As to his lengthy reference to John of Gaunt, the hon. Gentleman seemed to think that these were the words of John of Gaunt himself, but they were written by William Shakespeare in "Richard II". Richard II, of course, was removed by Parliament on the instruction of Henry Bolingbroke; and Richard II paid for the refurbishing of Westminster Hall so that the hammer-beam ceiling could be inserted.

Notwithstanding all that, the hon. Gentleman has advanced his argument many times, and I find that trying to grasp his argument is rather like trying to grasp hold of a lizard, as all we end up with is a little bit of the lizard's tail. The hon. Gentleman has nevertheless done us—certainly the Government—a very great favour today because he has shown us how distrustful he is of his own Front-Bench team. He has shown us precisely that he does not trust a word that the "smokescreen master general" who leads his party has said about a sovereignty Bill. He does not believe that the parliamentary sovereignty Bill his leader has suggested should be brought forward will meet what the hon. Gentleman believes is the problem. *[Interruption.]* I see that the hon. Member for Wellingborough (Mr. Bone) agrees with the hon. Gentleman, so he does not trust the leader of the Conservative party either.

Mr. Bone: The Minister is making this up. It is pure tosh and fiction.

Chris Bryant: The hon. Member for Stone has just exemplified, yet again, from his naughty boy corner at the back of the Chamber, precisely what the situation would be like if there were a Conservative Government—a Conservative Government who were completely and utterly in hock to the ludicrous naughty boys at the back of the Chamber, who have been arguing for many years—

Mr. Cash: Will the Minister give way?

Chris Bryant: If the hon. Gentleman does not mind, I shall not give way, because I have—*[Interruption.]* The hon. Gentleman—*[Interruption.]*

Mr. Speaker: Order. At the moment it is very clear that the Minister is not giving way.

Chris Bryant *rose*—

Mr. Cash *rose*—

Chris Bryant: And I am still not giving way, because I want to answer some of the hon. Gentleman's points. He referred to his Bill, which he titles the United Kingdom Parliamentary Sovereignty Bill, but he fundamentally misunderstands the history of this House and our constitutional settlement. He is simply wrong: Parliament is sovereign; there is absolutely no need to assert its sovereignty. We agreed, when we voted through the European Communities Act in 1972, that we wanted to join the Community and, eventually, the European Union. If this House chose to do so, it could decide to repeal the 1972 Act; the hon. Gentleman is fully aware of that. For that matter, the Lisbon treaty allows member states to withdraw from the EU. We have absolute sovereignty. Indeed, the then Solicitor-General made it absolutely clear by saying:

> "It would make a nonsense of the necessity for Community law to have the same effect in every member State if the United Kingdom, any more than any other member State, could choose by national law to override what it did not like. The principle of Community law having precedence throughout the Community is one that operates for the mutual benefit of all member States".—[*Official Report*, 13 June 1972; Vol. 838, c. 1317.]

That is not a quotation from the Solicitor-General today; it is from the Solicitor-General of 1972, the Conservative Lord Howe of Aberavon, who made an extremely good point. The hon. Member for Stone says that he has to bring forward his own parliamentary sovereignty Bill, and I suggest that that is because he does not trust the right hon. Member for Witney (Mr. Cameron).

Mr. Cash: May I just say, very quickly, that I have given three examples whereby my right hon. Friend has supported my supremacy or sovereignty of Parliament amendments? That is the proof of the pudding.

Chris Bryant: I think that the pudding has yet to be eaten—or, indeed, presented, because the truth is that the right hon. Gentleman said that he would

> "introduce a new law, in the form of a United Kingdom Sovereignty Bill, to make it clear that ultimate authority stays in this country, in our Parliament."

He went on to say that his idea

> "is not about Westminster striking down individual items of EU legislation…It is about an assurance that the final word on our laws is here in Britain."

But that is precisely the opposite of what the hon. Gentleman has called for this evening. He does want the UK to be able to strike down individual EU laws, does he not? *[Interruption.]* Yes, he does. Of course he does.

Mr. Cash: I want to make sure that the European Court of Justice and our Supreme Court do not, as in the Factortame case, strike down Acts that are passed by the democratic wish of the voters of this country.

Chris Bryant: And if the courts do not, he wants us to be able to strike down European laws. That is precisely my point. Consequently, the argument that he makes is completely fallacious, and, for that matter, so is the argument that his party leader makes. It is made not deliberately but inadvertently to mislead the country. It

[Chris Bryant]

is a smokescreen, because it tries to pretend that, by some kind of assertion, there will be no danger to Britain. However, I should argue that if what the hon. Gentleman says—that he wants to be able to strike down European laws and prevent the European Court of Justice from determining whether we have stood by our treaty requirements—is true, he is effectively saying that it would be okay for the UK to step out of the European Union. That is the ineluctable direction in which he is pushing—*[Interruption.]* Yes, of course: now he does agree that that is what he is arguing for.

Mr. Cash: I said, "I never said it."

Chris Bryant: The hon. Gentleman has made it clear on many occasions that he would like a referendum on Britain's membership of the European Union, and that he would vote for us not to remain a member of the EU. Is that not the case?

Mr. Cash: It is perfectly clear that I believe that we should have a referendum. It is also perfectly true that, given the functions of the European Union as currently constructed, I would vote no to ensure that the British people got what they really required.

Chris Bryant: I am very grateful: the hon. Gentleman has made it absolutely clear that he would vote for us to leave the European Union.

Mr. Cash: I did not say that.

Chris Bryant: But the hon. Gentleman just clarified his position! He made it absolutely clear.

Mr. Cash: The Minister is really confused; it is confused.com all over again. The plain fact is that a referendum would give the British people the opportunity to decide what kind of Europe they wanted to be a part of.

Chris Bryant: The hon. Gentleman cannot have it both ways. He either wants to be in the European Union or he does not. He seems to have made it absolutely clear: he wants a referendum so that he can vote for us to leave the European Union, unless he has some clever plan completely to change—

8.5 pm

House adjourned without Question put (Standing Order No. 9(7)).

House of Commons

Thursday 14 January 2010

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

BOURNEMOUTH BOROUGH COUNCIL BILL [*LORDS*]
(*BY ORDER*)

Consideration of Bill, as amended, opposed and deferred until Thursday 21 January at Three o'clock (Standing Order No. 20(2)).

MANCHESTER CITY COUNCIL BILL [*LORDS*]
(*BY ORDER*)

Consideration of Bill, as amended, opposed and deferred until Thursday 21 January at Three o'clock (Standing Order No. 20(2)).

LEEDS CITY COUNCIL BILL (*BY ORDER*)

Consideration of Bill, as amended, opposed and deferred until Thursday 21 January at Three o'clock (Standing Order No. 20(2)).

READING BOROUGH COUNCIL BILL (*BY ORDER*)

Consideration of Bill, as amended, opposed and deferred until Thursday 21 January at Three o'clock (Standing Order No. 20(2)).

Oral Answers to Questions

BUSINESS, INNOVATION AND SKILLS

The Minister of State was asked—

Royal Mail

1. **John Robertson** (Glasgow, North-West) (Lab): Whether he has had discussions with Royal Mail on job security for its employees. [310575]

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): During the dispute before Christmas, we kept in touch with both sides, encouraging an agreement on the modernisation of Royal Mail. Those talks are continuing, and I believe that in the context of falling mail volumes and the greater use of new technology, both Royal Mail and representatives of the work force understand that there are likely to be fewer people working for Royal Mail in the future.

John Robertson: I thank my right hon. Friend for his answer, although I am disappointed that he is perhaps not taking a more active part in the discussions. What does he plan to do about the apparently ever-growing pensions deficit? Do the Government not have something to do on that? Should they not be helping Royal Mail and the Communication Workers Union and its members to ensure that they get a better settlement?

Mr. McFadden: We have certainly helped Royal Mail and its work force by putting considerable finance, on behalf of the taxpayer, into it over the past decade. Just three years ago, we lent the company £1.2 billion to finance its much-needed modernisation. The mediator in the talks taking place now is Roger Poole, with whom I regularly keep in touch. The important thing is that both the work force and management reach an agreement to carry forward the modernisation.

My hon. Friend also mentioned the pension deficit. That is an issue for Royal Mail. We put forward a proposal to deal with it, as part of the Postal Services Bill, but I am afraid that many people were opposed to that package, although we made it clear that it was a package, and not something from which items could be picked out one by one.

Peter Luff (Mid-Worcestershire) (Con): Job security for Royal Mail's employees, and indeed the security of its competitors' employees, is threatened by the continuing regulatory uncertainty in the sector. Will the Government use the Digital Economy Bill to introduce the regulatory change aspects in the Postal Services Bill, because those particular issues are not related to the wider issues of the future ownership of Royal Mail?

Mr. McFadden: We do not plan to separate out the regulation part of the postal services package that we proposed, as is the case with the pension proposals, which I just mentioned. The priority for Royal Mail now is that the talks succeed in reaching an agreement on the much-needed modernisation, because mail volumes are falling around the world and new technology is not going to go away. That is definitely in the interests of Royal Mail, its work force and the general public.

John Thurso (Caithness, Sutherland and Easter Ross) (LD): May I take this opportunity to pay tribute to postmen and women, certainly in my part of the world, who were pretty valiant in the cold weather, getting the mail through?

The regulatory aspect of the postal service is critical, as the Hooper report made clear. At the moment, Postcomm is in limbo from having half departed but not arrived at its new destination. What are the Government doing to ensure that in the limbo created by abandoning the Bill the regulatory framework will be improved in the way needed?

Mr. McFadden: I agree with the hon. Gentleman about the valiant work that postmen and women do. They underpin the universal service at the heart of our postal system, and we are determined to preserve that for the future. However, I am afraid that I cannot agree with him that the regulatory system is in limbo. It is true that we had plans to change the regulatory system, but Postcomm is in place, it is the established regulator, it has a job to do, and it should continue to do it.

Mr. Jonathan Djanogly (Huntingdon) (Con): As the hon. Member for Glasgow, North-West (John Robertson) and my hon. Friend the Member for Mid-Worcestershire

(Peter Luff) have said, Royal Mail requires structural reform if it and its employees are to move forward. However, the unions and Labour Back Benchers have forced a weak Government to pull the Postal Services Bill, so what, other than a Conservative Government, will deliver any action for reform?

Mr. McFadden: We did not proceed with the Postal Services Bill because the market conditions did not allow us to get the best value for money for the taxpayer. The hon. Gentleman spoke about his plans, but the right hon. and learned Member for Rushcliffe (Mr. Clarke) has been clear about those: the Conservatives would privatise the Royal Mail. That is not our proposal and it was not our proposal in the past.

University Centres

2. **Dr. Phyllis Starkey** (Milton Keynes, South-West) (Lab): What plans he has for new university centres; and if he will make a statement. [310570]

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): As set out in "Higher Ambitions", we are committed to the enhancement of locally accessible higher education through a new University Challenge initiative. Since 2003, the Higher Education Funding Council England has announced support for 17 new local HE centres. In October last year, the HEFCE announced that six new proposals would be taken forward, including one in Milton Keynes.

Dr. Starkey: The criteria for University Challenge could have been custom written for the University Centre Milton Keynes. We are a city with a large population of young people, but a relatively low participation rate in higher education, and the local centre obviously encourages them to participate. It is based in the heart of our business district and has a proven record. I commend the University Centre Milton Keynes to the Minister and hope that he will ensure that it is at the top of the list for further funding.

Mr. Lammy: I commend my hon. Friend's continued championing of widening participation in higher education in her constituency. Milton Keynes as a city has perhaps done more than any other in the country to widen participation, being the home of the Open university, as well as the new centre. It is right to say that a strong bid was made, and, having seen the site and the proposed plans for the centre, I certainly welcomed it. My hon. Friend will know that, beyond the next spending review, it is hoped that the bid will come to fruition.

Miss Julie Kirkbride (Bromsgrove) (Con): The Government have long had an aspiration for 50 per cent. of young people to go into higher education. Given the right hon. Gentleman's savage cuts in the university sector, can he tell us in what year he expects to meet that 50 per cent. aspiration and what percentage of young people will be going to university next year?

Mr. Lammy: I am pleased to say that we have more young people at university than ever before in our history, and we will have even more next year. However, if the £610 million of cuts to my Department's budget were enacted, which was the Conservative proposal 18 months ago, that would mean a reduction of many thousands.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my right hon. Friend agree that we have to exercise a degree of caution as the number of universities proliferates? Universities are at the very heart of many of our communities, with the wealth and employment that they bring—Huddersfield university is the biggest employer in my constituency—but we must ensure that we maintain quality wherever we have a university campus.

Mr. Lammy: My hon. Friend is right that we must keep an eye on quality. We must never be complacent about standards in higher education in this country. There is a reason why British universities are among the very best in the world, so while we seek to extend the reach of higher education more deeply into communities that have not experienced it, he is right to keep his eye on standards and quality.

Stephen Williams (Bristol, West) (LD): The University Challenge programme was originally launched in rather different economic circumstances from those of today. Is it not the truth that we can now look forward to a period of contraction, limited opportunities for students and, what is more, higher tuition fees after the general election?

Mr. Lammy: It is surprising to hear the hon. Gentleman mention tuition fees in his opening question, given the five positions on that that we have had from the Liberal Democrats over just the past year. I can confirm that there would be severe contraction if it ever came to pass that the Liberal Democrats were in power, because the money that we have seen as a result of our policy would be diminished, and so would the sector.

Mr. David Willetts (Havant) (Con): Has the Minister had an opportunity to read the piece on universities by Lord Mandelson in today's edition of *The Guardian*? I am sure that the Minister is familiar with that newspaper's comments and clarifications section, which we all enjoy. May I invite him to write something to that section correcting the record and setting out the figures showing how much further the unit of resource in universities is going to be cut as a result of the Government's proposals? As we look at ways of easing pressures on universities, will he consider our proposal? Does he agree that we should not expect researchers and academics carrying out blue-skies research to produce impact statements—invented records of impact—and that the best thing to do would be to delay the research excellence framework until we have had time to work out whether impact can really be measured?

Mr. Lammy: The hon. Gentleman continues his walk on the road to Damascus with this amazing U-turn on policy. I enjoy *The Guardian* every day, and I enjoy all that is said by the Secretary of State for my Department. I can confirm that the hon. Gentleman got his figures on the unit of resource wrong yesterday. I am surprised, given that the hon. Gentleman recognises the importance of science, technology and research, that he does not recognise the importance of the public being able to see the impact that that research—paid for by taxpayers' money—could have. I am also surprised that he is jumping on yet another bandwagon.

Pleural Plaques

3. **Mr. David Anderson** (Blaydon) (Lab): What recent discussions he has had with the Ministry of Justice on his Department's potential financial responsibilities for people with pleural plaques. [310577]

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): I have had no recent discussions with the Ministry of Justice on this subject, but I understand that this is a long-running issue and that hon. Members are keen to see it brought to a conclusion.

Mr. Anderson: I thank the Minister for that response. He must also be aware of the huge support for this matter across the House, as demonstrated by the fact that a private Member's Bill on the subject was passed almost unanimously here and has gained support in the House of Lords. Also, an attempt by insurers in Scotland last week to prevent the Scottish law from being changed so that people could get compensation was decisively turned down. Surely some financial responsibility must be taken, at least for the people who worked for British Shipbuilders and other previously nationalised organisations. My right hon. Friend's Department and the MOJ also have a moral responsibility to get together and sort this out.

Mr. McFadden: As I said, I do understand that hon. Members are keen to reach a conclusion on this subject. I also understand that a meeting has been scheduled to take place shortly in which my hon. Friend and others will meet the Secretary of State for Justice and the Prime Minister. The Government are aware that we need to respond not only to this but to issues relating to other respiratory conditions.

Minimum Wage (Tipping)

4. **Mr. Adrian Bailey** (West Bromwich, West) (Lab/Co-op): What estimate he has made of the number of people who are likely to be affected by regulations governing the use of tips to make up levels of pay to the national minimum wage rate. [310578]

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): The Government estimate that just over 60,000 workers could benefit from the change to the minimum wage regulations. This will prevent tips from being counted towards the national minimum wage. Customers do not expect the tips that they leave to be used to make up the minimum wage, and the changes that we have introduced mean that tips can no longer be used in that way.

Mr. Bailey: I thank the Minister for his reply and I welcome the new regulations. For many young people, waiting in restaurants is their first engagement with the world of work, and it is very disillusioning for them to have the rewards for their hard work taken by unscrupulous employers. Will he ensure that, following the introduction of the regulations, the situation is monitored and that any unscrupulous employers are exposed as a result?

Mr. McFadden: My hon. Friend makes an important point. Alongside the change in the law that we have made, we need proper enforcement and proper transparency in regard to what happens to tips. The public have a right to know what happens to the money that they voluntarily leave to reward the service they receive. The Government have also toughened up the law on the enforcement of the minimum wage, and there are now better arrears systems for employees who are not paid the minimum wage and tougher penalties for the minority of employers who do not pay it. We have also brought together the helplines for different rights at work to form a single pay and work rights helpline, which will make it easier for people to report abuses. The number is 0800 9172368.

Mr. Edward Leigh (Gainsborough) (Con): My daughter recently worked in a restaurant, which had an optional service charge of 12.5 per cent., but none of that went to the staff. Is that not scandalous?

Mr. McFadden: That is precisely why, alongside the change in the law to make sure that tips and gratuities cannot be used to make up the minimum wage, we want the industry to promote a code of transparency to ensure that the customer knows exactly what happens to the money they give. If I went into a restaurant and thought that the staff were not receiving anything of the tip, why would I leave one? I want to reward for the service we receive, and that is what the customer wants. That is why we have changed the law and want to see more transparency in addition to it.

NEETs

5. **Mr. Philip Hollobone** (Kettering) (Con): What recent estimate he has made of the number of young people in (a) Kettering constituency, (b) Northamptonshire and (c) England who are not in employment, education or training. [310579]

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): In the third quarter of 2009, there were 1,082,000, or 18 per cent., of 16 to 24-year-olds who were not in education, employment or training. That estimate comes from the labour force survey. The latest information for Northamptonshire is from the 2008 annual population survey, which estimates that there were 12,000, or 14 per cent., of people in that age group who were NEETs. However, those figures are not directly comparable with the England figure; the sample sizes are too small to give a constituency estimate.

Mr. Hollobone: In many ways, the severity of the recession has had its hardest impact on young people trying to enter the job market. I know from my own constituents the difficulties that many families across the Kettering parliamentary constituency are facing. What are the Government going to do to get our young people into work so that they can start their careers in gainful employment? If they cannot do that for young people, what training and education opportunities are the Government going to provide?

Kevin Brennan: We have, of course, introduced the September guarantee, which means that every 16 or 17-year-old is offered a suitable place in education and training. We have rebuilt apprenticeships and we have signalled our commitment to apprenticeships for young people with the £2,500 golden hello for employers to provide up to 5,000 new places for 16 and 17-year-olds. The Government are doing a great deal to help young people who find themselves out of work, although I should say that the NEETs figures include many people who are not in that position, as only about 37 per cent. are actually seeking work or training.

Mr. David Evennett (Bexleyheath and Crayford) (Con): When we debated this issue yesterday, the Government appeared totally complacent. With more than 1 million young people not in education, employment or training and with the second highest level of youth unemployment in Europe, this Government have let down a generation of young people. Is the Minister not ashamed? As we face another looming crisis this year on university applications, will he take up our proposals, which have been fully costed and funded, for an additional 10,000 university places?

Kevin Brennan: We are neither ashamed nor complacent, and we will not take up that proposal for the reason I set out in yesterday's debate—because it is not properly funded. Let me point out to the hon. Gentleman that the key issue is how quickly young people move out of unemployment and into work. Six month-plus 18-to-24 unemployment is currently 108,800; in 1997, it was 169,000; in 1993, it was 415,000; and in 1985, during the last Conservative Government, it was 600,000—six times as many people in that age group unemployed for six months or more. That is the difference between us and them.

Science Education (Universities)

6. **Alistair Burt** (North-East Bedfordshire) (Con): What recent representations he has received on the future of science education in universities. [310580]

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): I met university vice-chancellors on Tuesday and I reaffirm the Department's commitment, made in "Higher Ambitions", to science and engineering.

Alistair Burt: On 3 November, the Minister denounced as a caricature that he did not recognise the question I put to him here on the disconnection between school and university science, which was leading to remedial courses for undergraduates who were inadequately prepared at school for university. Has he since had a chance to see the remarks of Dr. Richard Pike, the chief executive of the Royal Society of Chemistry, who has made this far from novel or original point yet again, concluding with the phrase:

> "Until we get to grips with this fiasco... this country risks sliding down the road to mediocrity"?

If the Minister will not recognise my description of the problem, perhaps he will recognise Dr. Pike's.

Mr. Lammy: What I recognise are the figures published today, which confirm that there has been a 12 per cent. rise in A-level entries for maths and further maths and a 3.8 per cent. rise for physics, as well as a 3 per cent. rise in undergraduates taking science subjects and a 7 per cent. rise in postgraduates doing so. I suggest the hon. Gentleman goes back to the very foundation of science: the evidence. He should look at the figures for what young people are doing and recognise that there have been massive advances for science subjects as a result of funding from this Government.

Dr. Brian Iddon (Bolton, South-East) (Lab): When vice-chancellors are under financial pressure, they find that the greatest savings in universities can be made by closing science and engineering departments. That is what has happened in the past, and that is what is beginning to happen this year. Will my right hon. Friend keep a very close eye on the way in which vice-chancellors make their savings?

Mr. Lammy: I hope my hon. Friend recognises that we have sought to ensure that the money is in place, particularly to prioritise science, technology, engineering and maths. We set that out most recently in "Higher Ambitions". Our university science departments are key to our "New industry, new jobs" agenda for sectors such as the life sciences, biotechnology and advanced manufacturing, which will have to be centre stage to our economic recovery. I recognise that this is an important issue, therefore, notwithstanding the research and assessment exercise results, which might lead some vice-chancellors to decide to withdraw from certain areas and prioritise others.

Adam Afriyie (Windsor) (Con): The largest research council, the Science and Technology Facilities Council, has already been forced to cut research grants by 10 per cent. and fellowships by 25 per cent. and to withdraw from 27 significant projects. The Government have allocated no money whatever to their ring-fenced science budget beyond this year, yet last night the science Minister confirmed—this has been confirmed again here this morning—that £600 million will be cut from the science budget over the next two years. Can the Minister explain how a specific sum—this £600 million—can be cut from a budget that has nothing in it?

Mr. Lammy: The hon. Gentleman has got his facts wrong, which is unusual. It is not £600 million from the science budget; it is £600 million up to 2013 from the entirety of the just under £13 billion higher education budget from which we have asked savings to be found. We are committed to the science ring fence and the 10-year framework for science, and it is wrong to caricature the STFC, to which we gave £40 million just last year, in that way.

Unionlearn

7. **Tony Lloyd** (Manchester, Central) (Lab): What estimate he has made of the number of people who have completed training courses under the unionlearn programme since 2006; and if he will make a statement. [310581]

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): Since 2006, trade unions, supported by unionlearn, have helped over 570,000 workers access a training course, including over 80,000 with poor basic literacy and numeracy skills. Detailed information on completions is not collated centrally, but Leeds university business school is currently undertaking a comprehensive analysis of learner outcomes, which will provide robust evidence of the percentage completing courses.

Tony Lloyd: Will my hon. Friend confirm that those 500,000-plus learners through unionlearn include many people who would not have accessed skills training without it, which is why it is so popular with employers—it is in the national interest and the interest of companies? Also, has he received representations from other parties about whether they are prepared to commit to unionlearn?

Kevin Brennan: I can confirm my hon. Friend's first point. Interestingly, in yesterday's debate, the hon. Member for Havant (Mr. Willetts) said he was very much in favour of unionlearn because it was so cost-effective. I do not know whether that is a pledge, but one thing is clear: this is a Labour Government policy that the Conservative party opposed, but which is now endorsed by its Front-Bench team as very good value for money.

Student Maintenance Support

8. **Andrew Stunell** (Hazel Grove) (LD): What plans he has for the future of student maintenance support; and if he will make a statement. [310583]

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): The independent review of higher education funding and student finance will analyse the challenges facing, and opportunities for, higher education and their implications for student financing and support. It will make recommendations to Government on the future balance of financial contributions by taxpayers, students, graduates and employers, and the Government will not pre-empt the outcome of the review.

Andrew Stunell: May I direct the Minister to the issue of maintenance allowances, which is the subject of my question? Is he at all satisfied with the future direction, given that 28,000 students are not receiving their maintenance allowances, including several hundred in Stockport, who, even after Christmas, are stranded without the money they deserve?

Mr. Lammy: That is why I set up the independent review led by Sir Deian Hopkin. I think that we all recognise that serious issues have arisen in relation to the Student Loans Company's performance this year. Its chair and chief executive have apologised, and I am pleased that it has now dealt with the backlog. Many thousands of applications continue to come in, as many students have been delaying seeking their finance. What is important is for next year's process to be far better than this year's, and that is the undertaking that the chair and chief executive have made.

Mr. David Chaytor (Bury, North) (Lab): Forty-three per cent. of students in higher education are part-time students, and future growth will largely come from part-time and mature students. Is there not a powerful argument for raising the cap on full-time undergraduate fees in order to develop a unified system, giving part-time students the same access to financial support that full-time students enjoy?

Mr. Lammy: My hon. Friend puts his point forcefully. I shall not be drawn on the outcome of the review, but I can say that he is right to underline the position of part-time students and to call for better equity. That is why we have asked Lord Browne to examine the position of part-time students, in particular.

Grocery Ombudsman

9. **Andrew George** (St. Ives) (LD): What plans he has to respond to the Competition Commission's recommendation for the creation of a grocery supply chain ombudsman. [310584]

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): My Department published the Government's response to the Competition Competition's recommendation for the creation of a grocery supply chain ombudsman yesterday. The Government have accepted the need for independent enforcement of the grocery supply code of practice, and we will consult on the detail of the body and its powers.

Andrew George: As I chair the grocery market action group, perhaps I should declare an interest. I have been campaigning for this for the best part of 10 years. Therefore, I warmly welcome the Minister's announcement yesterday—I have to say, it was not before time. What timetable does he envisage for the implementation of this vital recommendation, bearing in mind that although the grocery supply code of practice will be unenforced, it will be implemented on 4 February?

Kevin Brennan: On the time taken, the Competition Commission made its formal request to the Government only last August. In the meantime, I have met the hon. Gentleman and his group, the British Retail Consortium, the National Farmers Union, the Food and Drink Federation, Consumer Focus, Divine Chocolate and the Office of Fair Trading, so a proper consultation has been taking place. The formal consultation will start shortly after the code comes into force on 4 February. How quickly we can implement the measures depends on the solution and whether or not it needs legislation, and that will ultimately depend on the design of the body.

Mr. Lindsay Hoyle (Chorley) (Lab): Of course we welcome movement on this from the Government, but we need real teeth and real power. The power of the supermarkets puts pressure on the farmers, and we want fair farm-gate prices and a purchasing policy for local communities. That would provide the teeth and the power we need. We need that commitment from the Minister.

Kevin Brennan: Of course the purpose of the enforcement body is to enforce the code, which has been broadly welcomed by everyone as having the teeth necessary. We just need to ensure that it is independently enforced, and we have accepted the case for that. Ultimately, we accepted it on the grounds that the Competition Commission made it clear that it believed that in the long term this was in the interests of shoppers and consumers, because it would provide the kind of certainty in the supply chain that will produce better prices and choices for them.

Mr. Mark Field (Cities of London and Westminster) (Con): Does the Minister regard the appointment and powers of this ombudsman to be complementary to or in addition to the existing powers of the OFT and the Competition Commission, which, as he will know, have held almost continuous inquiries into the supermarket sector over the past decade or so?

Kevin Brennan: The powers of those bodies remain as they were previously in the event of there being matters that they need to investigate. The job of the independent ombudsman will principally be to enforce the code, but we are also consulting, as part of how we design the body, on exactly what the powers will be.

Agency Workers

10. **Mr. Chris Mullin** (Sunderland, South) (Lab): What plans he has for legislation on the regulation of agency workers; and if he will make a statement. [310585]

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): The Government want to get the legislation to implement the agency workers directive on to the statute book by the end of this Parliament. We will shortly table the relevant regulations and publish the Government's response to the recent consultation.

Mr. Mullin: I am grateful to my right hon. Friend, but it is a pity that this has been left until so late in the day. How confident is he that the matter will be dealt with before Dissolution?

Mr. McFadden: That is the aim. My hon. Friend says that it has been left until late in the day, but if he looks across Europe he will see that we are legislating ahead of many other countries. I do not accept that there has been an unacceptable delay, but it is our aim to get this provision on the statute book by the end of the Parliament. As I have said, we will be publishing the relevant regulations shortly.

John Penrose (Weston-super-Mare) (Con): In October, the Government announced that this regulation would not come into force until 2011 to avoid harming Britain's recovery after the recession. Here we are, however, rushing it through Parliament just weeks before a general election. A cynic might wonder whether this is anything to do with the Labour party's pressing need for election funds from its trade union paymasters, who demanded this measure as part of the infamous Warwick agreement. Will the Minister take this opportunity to reassure those cynics that nothing could be further from the Government's mind and that they would never put short-term, grubby party political interests ahead of doing the right thing for the country?

Mr. McFadden: Our aim in bringing forward these regulations is to abide by the agreement that we reached in Europe to ensure fairness for agency workers and flexibility for employers. That was the basis of the TUC-CBI agreement, and it stands in stark contrast to the Opposition's pledge to downgrade the employment rights that have been agreed in Europe. There will be a very clear choice on this matter when it comes to the election.

Adam Price (Carmarthen, East and Dinefwr) (PC): Does the Minister accept that this change has long been campaigned for? There have been two series of consultation and there is now no impediment to ensuring that agency and temporary workers get the justice for which they have been calling for so many years.

Mr. McFadden: The hon. Gentleman is right to say that this has been under discussion for some time. It took a long time to get agreement in Europe. We were able to reach agreement on the basis of an agreement in the UK between the TUC and the CBI. We then successfully negotiated for that to be reflected in the European directive. That was something we could do only because this country, under this Government, is properly engaged with our European allies. I dread to think how we would negotiate in Europe if the Opposition, who are isolated in Europe, were trying to negotiate with 27 other countries.

Libel Laws (Science Sector)

11. **Dr. Evan Harris** (Oxford, West and Abingdon) (LD): What recent discussions he has had with ministerial colleagues on the effects on the science sector of libel laws. [310586]

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Ian Lucas): Ministers at the Department for Business, Innovation and Skills have held no recent discussions with ministerial colleagues on the effects of libel laws on the science sector. The Justice Secretary leads on the issue of libel law. Professor Beddington, the Government's chief scientific adviser, and officials are in discussions with colleagues from the Ministry of Justice to ensure that science and engineering receive appropriate attention in their consideration of libel law.

Dr. Harris: I am grateful to the Minister for that answer. He will be aware that Professor Beddington has set out his concerns and will, I hope, be feeding them into the Government review. However, does the Minister accept that there is genuine concern among publishers of medical journals, for example, about the chilling effect of the threat of libel actions? Would he, or one of his colleagues—perhaps the Minister for Science and Innovation—be willing to meet a delegation of scientists so that they can effectively feed in scientists' concerns to the Ministry of Justice?

Ian Lucas: The hon. Gentleman makes a very important point. The Department is aware of the concern in the scientific community relating to the chilling effect to which he refers. As I said in my response, the Ministry of Justice leads on this matter. I shall refer his remarks to it, and I undertake to ensure that its Ministers are aware of what he has had to say today. I shall keep in touch with him on this matter.

Rob Marris (Wolverhampton, South-West) (Lab): May I suggest to my hon. Friend that he as a Minister should have an early meeting with the Justice Ministers on this issue? It directly affects his Department because these wretched libel laws will restrict the publication of scientific research, which will have an effect on research and development and, in particular, on manufacturing in our economy, which is his responsibility.

Ian Lucas: I fully accept that science, innovation and manufacturing are at the heart of this Department's agenda. This is a very important issue: it is important that we have responsible, intelligent and creative scientific debate, and the review is taking place under the auspices of the Ministry of Justice because we want to ensure that we have the correct legal environment for that debate to happen.

Venture Capital

12. **Mr. Henry Bellingham** (North-West Norfolk) (Con): When he next expects to meet small business organisations to discuss Government funding for venture capital projects. [310587]

The Minister for Regional Economic Development and Co-ordination (Ms Rosie Winterton): The Minister for Trade, Investment and Small Business and the City Minister regularly meet the Small Business Finance Forum, which brings together the banks, small business representative organisations and the Government to discuss the economic situation and the availability of finance.

Mr. Bellingham: Will the Minister turn her attention to the Capital for Enterprise Fund, which made its first investments in May last year? Will she confirm that her Department has put up £50 million in total, and that annual management and administration costs will come to £2.5 million? In other words, over 10 years, the fees to the City and advisers will swallow up half of the Government's total contribution. Has she secured a good deal, or has she been taken for a ride?

Mr. Speaker: Order. There were at least three questions there, but one short answer will suffice.

Ms Winterton: I am not sure whether the hon. Gentleman is saying that he would rather that there was no Capital for Enterprise Fund. Since 2000, this Government have committed £400 million to a range of venture capital funds, which has attracted £551 million of private sector investment. Is the hon. Gentleman saying that he does not want such measures to be taken? Does he not want the new measures that will arise from the 2009 pre-Budget report? If we followed the advice of the Opposition, none of these funds would be available to help small business in these difficult times.

Capital Expenditure

13. **Andrew Selous** (South-West Bedfordshire) (Con): What estimate he has made of the level of capital expenditure by further education colleges in (a) south Bedfordshire and (b) England in the last 12 months; and if he will make a statement. [310588]

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): In the financial year 2009-10, the Learning and Skills Council will invest £800 million in the development of 66 further education college capital projects across England. They will cost a total of £2.45 billion, and will receive just under £1.8 billion of Government investment in this and the next spending review. The Bedfordshire and Luton area has benefited from £52.8 million in LSC capital grant support since 2001, although in the last 12 months there has been no capital expenditure in South-West Bedfordshire.

Andrew Selous: I am glad that the Minister made the last point, that central Bedfordshire got nothing. Also, the college took on 250 extra students in September for whom it has no funding. I spoke to the principal this morning, and she told me she believes that she is expected to implement the January guarantee with no money. The local learning and skills council thinks that there is some money, but does not know how to access it. Can the Minister help?

Kevin Brennan: I shall certainly be happy to look into that. I know that the hon. Gentleman's local college, which has changed its name, has received £740,000 in support for the capital project development costs that it was not able to go ahead with as a result of the programme. However, I am certainly happy to look into the point that he makes about the January guarantee.

University Funding

14. **Ann Winterton** (Congleton) (Con): What his policy is on the future level of funding of universities; and if he will make a statement. [310590]

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): The Government have presided over huge investment in higher education. Spending has risen by some 25 per cent. since 1997, which has significantly increased income and variable fees. Next year, my Department will allocate some £13 billion to higher education, taking into account spend on institutions and students.

Ann Winterton: Universities face total budget cuts of £2.5 billion, and the Business Secretary has said that he will slash funding next year by £535 million. How will those savage cuts affect the quality of teaching and research? In addition—

Mr. Speaker: Order. I think that one question will do. I am extraordinarily grateful, but we need to make progress.

Mr. Lammy: I think that "savage cuts" were the 38 per cent. fall in the unit of resource between 1991 and 1997, which left universities in this country on their knees. What the Government proposed in the grant letter to universities just before Christmas was in fact a saving of 1 per cent.

Hugh Bayley (City of York) (Lab): Will the Minister join me in welcoming today's launch of the Centre for Low Carbon Futures at the universities of York, Sheffield, Leeds and Hull? Will he look at the £49 million of Research Councils UK money that those universities have received in the past three years for work in this field, and then write to me to let me know what sort of support the research councils, the Technology Strategy Board and the European Commission could give the centre over the next five years or so?

Mr. Lammy: I am very happy to confirm that I will do that. My colleague the Minister for Yorkshire and the Humber will be there. This is a fantastic example of collaboration that cuts to the heart of the future of our economy. I congratulate everyone in the region who is involved, and I undertake to come back to my hon. Friend on what further we can do to support it.

Mr. Charles Kennedy (Ross, Skye and Lochaber) (LD): A number of us were present with principals and vice-chancellors when the Minister spoke to the all-party university group. He spoke about the need for universities to search for cheaper models in the current financial constraints. One principal described that as a potential assault on quality. Will the Minister be mindful of the distinct Scottish ancient universities component, with the four-year honours degree and the three-year ordinary masters degree, in relation to whatever financial constraints are now going to be upon that sector?

Mr. Lammy: I recognise the right hon. Gentleman's particular expertise as rector of Glasgow university—a very good university—and all that he does to champion higher education. When I spoke to the vice-chancellors, I think I was referring to the excellent progress that we have made on, for example, foundation degrees as a route into higher education and on part-time higher education courses, which have been mentioned already. We must continue to make progress in this area, especially against a backdrop of tighter fiscal spending.

Topical Questions

T2. [310601] **Peter Luff** (Mid-Worcestershire) (Con): If he will make a statement on his departmental responsibilities.

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): Last week the Department published a growth paper setting out what we needed to do to drive forward economic recovery. The priorities included promoting enterprise, better access to finance, securing much-needed infrastructure investment and making the most of the transition to a low-carbon economy. Those are the priorities as we come out of the recession that will ensure that the recovery is sustained in the long term.

Peter Luff: Can a member of the ministerial team reassure me that today's important round-table discussions with institutional investors about how to vote their shares during hostile takeover bids are not just a flash-in-the-pan response to the hostile bid by Kraft for Cadbury, which is unwelcome, but will be the start of an important debate about how institutional investors behave, which is not always in the long-term interests of the UK?

Mr. McFadden: The hon. Gentleman is right to draw attention to the meeting today between the Secretary of State and institutional investors. We should not see the meeting purely through the lens of a single takeover battle. It is important for the long-term health of the economy that we have long-term commitment from institutional investors. That will be at the heart of the discussions that take place today.

Laura Moffatt (Crawley) (Lab): Ceres Power in my constituency is developing a fuel cell that reduces our reliance on carbon by 50 per cent., but it needs to know that the Government are supporting it. Can my hon. Friend the Minister assure me that proper provisions are in place to ensure at this critical stage that the development progresses and we move forward such excellent technologies?

Mr. McFadden: It is always difficult to comment on one case on the hoof, but with the Department of Energy and Climate Change we have published a low-carbon economic strategy. We have put considerable Government resources behind that, a significant part of which is support for the development and manufacture of low-carbon vehicles here in the UK. Low-carbon industries are an essential part of our economic future, and that is why we have put in resources behind them.

T4. [310603] **Mark Hunter** (Cheadle) (LD): What assessment has the Department made of the impact on small businesses of a recent decision of the Payments Council representing the high street banks to phase out the use of cheques? Is he aware that that move is opposed by the Federation of Small Businesses? Does he agree that a large number—

Mr. Speaker: Order. We are in topical questions. May I appeal for short questions and short answers? I want to get through as many colleagues as possible.

Mr. McFadden: It is time for a confession: I am a cheque user. If that is old-fashioned, I am afraid that I cannot make an apology for it. I understand that cheque use has declined more widely, but I certainly hope the transition is managed as sensitively and as carefully as possible—for small businesses and for us cheque users.

T3. [310602] **Mr. David Anderson** (Blaydon) (Lab): The development of electrical vehicles in the north-east has been a huge boost for manufacturers such as Tegrel, which is producing a charging station in my constituency. Will the Minister assure me that the Government and the regional development agency One NorthEast will continue to support such work; and that we will support RDAs, unlike the Opposition?

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Ian Lucas): The north-east is a real hub of low-carbon technology development in the automotive sector. Nissan and Smith Electric Vehicles, which I have already visited, are at the forefront, and the investment at Nissan's battery factory is going ahead. I should be very interested in seeing the company to which my hon. Friend refers.

Mr. Kenneth Clarke (Rushcliffe) (Con): Will the Minister of State confirm that manufacturing, as a proportion of total GDP in this country, has declined by no less than 9 per cent. during this Government's period in office? That is the fastest rate of decline in our history. How can the Government's new industrial strategy, and their claim that they will revive this country's manufacturing capacity, be taken seriously when they have scandalously neglected the subject and the whole sector for their entire period in office?

Mr. McFadden: Manufacturing is still immensely important to the UK economy and to the region that I have the honour of representing. In the past 18 months alone, we have given significant support to the aerospace sector, to new nuclear and to other low-carbon manufacturing industries. It is sad that that support, through the strategic investment fund, was described by the right hon. and learned Gentleman's colleague, the hon. Member for Windsor (Adam Afriyie), as a disgrace. We do not think it is a disgrace; we think it is essential, and that is why we are committed to supporting manufacturing in this country.

Mr. Dennis Skinner (Bolsover) (Lab): Now that the Scottish Parliament has taken steps to overturn the October 2007 ruling on pleural plaques, can we have a guarantee that we will do the same thing here, for the rest of the British Isles, as speedily as possible and before the election?

Mr. McFadden: I do not know whether my hon. Friend was present when my hon. Friend the Member for Blaydon (Mr. Anderson) asked me about that matter a short time ago, but I appreciate that hon. Members wish to see a solution to it. I understand that a meeting involving hon. Members, the Prime Minister and the Secretary of State for Justice will take place in the near future, and I am sure that they will have heard the comments of my hon. Friend the Member for Bolsover (Mr. Skinner).

T5. [310604] **Tom Brake** (Carshalton and Wallington) (LD): I attended the fifth anniversary breakfast of the Givers Gain business networking organisation this morning. The small and medium-sized enterprises there said that they are being crippled by red tape. What plans does the Secretary of State have to reduce the regulatory burden on SMEs?

Ian Lucas: For the first time, this Government have published the forward regulatory programme—the regulations that the Government will bring forward. The process with this Government, unlike any previous one, has been open, so our engagement with small businesses and the bodies that represent them has been very close indeed. We are always open to hear from businesses about particular regulations, and I always listen to what they have to say.

Jacqui Smith (Redditch) (Lab): An increasing number of sub-postmasters face action for the misappropriation of funds that, they believe, is based on shortcomings in the Horizon computer system. Given those numbers, does my right hon. Friend agree that it is time for the Post Office to review those cases and that system so that sub-postmasters can be confident that the computer systems that are put in place are there to support them, not to put their livelihoods at risk?

Mr. McFadden: I have received representations about that issue from hon. Members on behalf of sub-postmasters in their constituencies. The Post Office tells me that it has looked into all those complaints, and says that it has faith in the integrity of the Horizon system. However, I am sure that if there are further complaints, the Post Office will properly examine them, as it should do.

T6. [310605] **Mr. Ben Wallace** (Lancaster and Wyre) (Con): Myerscough college in my constituency is an excellent mixed FE and HE college that awards degrees by third-party universities. In the light of the current financial situation and the fact that the Higher Education Funding Council for England has been supportive, yet unable to fund the HE capacity, will the Minister consider a review of HE funding in FE colleges to ensure that money gets to the front line as quickly and efficiently as possible?

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): We have increased funding by 25 per cent. In "Higher Ambitions" we set out the importance of HE provision in FE colleges, which extends the reach of higher education to those from non-traditional backgrounds and, often, poorer socio-economic groups. I am happy to look into the specifics of the hon. Gentleman's college, but the Government's commitment in this area is clear.

Natascha Engel (North-East Derbyshire) (Lab): Will the Minister take this opportunity to put an end to the exploitation of and discrimination against young people at work who are under 22 and who, if they are earning the minimum wage, earn almost a full pound less than their adult counterparts? For me, and surely for him, this has to be an issue of equal pay for equal work.

Mr. McFadden: As my hon. Friend knows, the Government decide the minimum wage rates on the basis of recommendations from the independent Low Pay Commission, which has on it representatives of employers and employees, as well as independent experts. The commission has recommended that youth rates are justified for the minimum wage. We, too, want to see maximum employment chances for young people. I can tell my hon. Friend that this year the commission recommended that the adult rate for the minimum wage kick in at the age of 21 rather than 22. That recommendation has been accepted by the Government, and it will come into force in October.

T7. [310606] **Mr. Peter Bone** (Wellingborough) (Con): The Government have scandalously neglected manufacturing in Wellingborough, which has resulted in unemployment increasing from 1,407 to more than 3,000—an increase of 114 per cent. Would any of the Ministers like to come to the Dispatch Box and apologise to the people of Wellingborough?

Mr. McFadden: As I said, we are giving considerable support to manufacturing; this was set out in the paper on growth that we published last week. I have to say that there is a stark contrast between our commitments on aerospace, on low-carbon vehicles and on advanced engineering and the utter silence and utter absence of a manufacturing or an industrial policy from the Conservative party.

Mr. Russell Brown (Dumfries and Galloway) (Lab): Like so many others on this side of the House, I welcome the decision on pleural plaques reached in the Scottish courts. However, we need a UK-wide response to this, because it would be absolutely ridiculous if we found that people living in one part of the country who may have contracted this condition in another part of the country fall foul of different compensation schemes.

Mr. McFadden: I understand the point that my hon. Friend makes. There is not much to add to what I said earlier. The Government understand the desire for a response to these issues, not only on pleural plaques but on wider respiratory conditions.

Mr. Nigel Evans (Ribble Valley) (Con): The pay package for the chief executive of Royal Mail last year was £1.3 million; for the managing director of the letters business, it was £849,000. If the Government really believe in redistribution of wealth, how about starting with those two salaries?

Mr. McFadden: The rewards are indeed high; the hon. Gentleman is quite fair in saying that. The transformation and modernisation task at Royal Mail is enormous, and for those rewards we want to see modernisation carried through—delivered—to give us the healthy, efficient and modern Royal Mail service that we need in order to maintain the universal service that is at the heart of our postal system.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): I am encouraged by what the Minister says about pleural plaques, but can he be categorical? I know that his Department has inherited some of the liabilities from the previously nationalised industries. Can he say that his Department would not object to a change in the law that would overturn the decision on pleural plaques that was made in the House of Lords on 17 October 2007?

Mr. McFadden: These decisions will be taken across Government. As I said, I understand that hon. Members are looking for a response soon. A meeting will take place soon involving the Prime Minister and the Ministry of Justice, which leads on this issue.

T8. [310607] **Mr. Henry Bellingham** (North-West Norfolk) (Con): Following on from the question asked by my hon. Friend the Member for Lancaster and Wyre (Mr. Wallace), and given the strain on public finances, will the Minister confirm that excellent colleges, such as the college of West Anglia in King's Lynn and City college in Norwich, will continue to have the flexibility to respond to local needs and priorities?

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): Yes. In fact, we are introducing more flexibilities for colleges as a result of our skills strategy, including, for "good" and "excellent" colleges, the ability to do so via cross-budgets, in a way that was not available before.

Mr. David Drew (Stroud) (Lab/Co-op): It is pleasing to see that the Government have accepted the idea of the ombudsman for the grocery trade and I congratulate the hon. Member for St. Ives (Andrew George) on all he has done to push that forward. Will the Government now just accept the private Member's Bill of our hon. Friend the Member for Ynys Môn (Albert Owen)?

Kevin Brennan: Of course, that is ultimately a matter for the House, but the consultation will take place following the introduction of the code on 4 February. That consultation is on not only one model but whether the ombudsman or enforcer will be housed within an existing institution, so at this point I cannot commit to my hon. Friend's suggestion.

T9. [310608] **Alistair Burt** (North-East Bedfordshire) (Con): This is a further comment from the chief executive of the Royal Society of Chemistry:

> "evidence gathered recently by the science community has identified entire GCSE science papers with no underlying mathematics, and science questions with no science."

Is the Minister entirely uninterested in this problem of the connection between science at school and the quality of science at university, or does he simply believe that so long as people are going to university, that is all right?

Mr. Lammy: It really is a disservice to our students and teachers to talk down science teaching in that way, but I refer the hon. Gentleman to the £140 million we have made available to improve teaching in science across the country.

Michael Connarty (Linlithgow and East Falkirk) (Lab): In the very week when the Crown Estate has given out the biggest contracts for wind power, would the Minister be surprised to learn that I have received a letter saying that there is no course in Scotland for training in that industry and no demand for people to be trained? Will he do something about that so we do not have people from outside the UK building those wind farms?

Mr. McFadden: My hon. Friend is absolutely right to draw attention to the huge investment, employment and industrial potential of those industries. He is also absolutely right to say that if we want to maximise the opportunities presented by the transition to a lower-carbon economy, we have to give young people the skills to do the jobs that that will bring.

T10. [310609] **Martin Horwood** (Cheltenham) (LD): Ministers should be aware of the current financial difficulties at the university of Gloucestershire, which have come about despite its success in attracting applicants. Are they prepared to meet me and my constituents from the university to discuss the crisis and whether the flat-rate nature of the cap on student numbers is unfair to popular universities such as Gloucestershire university?

Mr. Lammy: The cap on student numbers affects all universities in the country. It is important not only that we grow participation but that we fund students, often with grants, when they are at university. That is why we have the cap. The hon. Gentleman's views on the university of Gloucestershire are best directed to the funding council if he thinks there is a problem.

Joan Walley (Stoke-on-Trent, North) (Lab): Given the priority my right hon. Friend says he attaches to the new green economy, can he tell the House what new European money there is for the west midlands, in order that we can innovate?

Mr. McFadden: I can tell my hon. Friend that altogether, following announcements from across the Government, there is some £500 million-plus for low-carbon industries. That is significant backing for a range of low-carbon industries, many of which we have mentioned in our answers today.

Mr. Rob Wilson (Reading, East) (Con): Reading college has suffered from a lack of investment over the years and Thames Valley university is now pulling out. It has been announced that Oxford and Cherwell is going to be the preferred bidder, but I have significant concerns about the bid process and the due diligence that has taken place. Please will the Minister take a significant interest in this matter, because young people in my constituency deserve a high-quality education?

Kevin Brennan: I am very happy to look into any real concerns the hon. Gentleman has. I am not aware of any concerns about due diligence with the process—of course, Oxford and Cherwell college won the bid in a consortium with another organisation. I know he has written to me, but if has any particular concerns, I would be happy to look into them. I understand that he is meeting the consortium soon, and I hope that that helps to alleviate any concerns he has.

Mr. Andy Reed (Loughborough) (Lab/Co-op): A number of measures such as advanced technology and manufacturing and low-carbon fuel vehicles have made a significant difference, but what can Ministers do to assist manufacturing companies that are still struggling with credit insurance? Several local companies have approached me to say that they are still struggling with that scheme. If Ministers can make some suggestions about how they can assist, that would be very helpful.

Mr. McFadden: This has been a significant issue during the recession. I agree with my hon. Friend and many companies have reported problems. It appears to me that there are flaws in a product that is insurance only for good times. After all, we want insurance for good and for bad times. The flaw in the product has been exposed during the recession, and I suggest that we need a better system in the future that helps businesses in bad times and good.

Sir Nicholas Winterton (Macclesfield) (Con): Does the Minister accept that manufacturing industry, which I have supported for almost four decades in this House, is the only source of non-inflationary economic growth and should be supported by whichever Government are in power and that Departments should err on the side of buying British?

Mr. McFadden: I agree with the hon. Gentleman about the importance of manufacturing. That is why we have given it support, and why I am so disappointed that the hon. Member for Windsor (Adam Afriyie) described that support as a disgrace. I disagree with those on his Front Bench, and I am glad that he does too.

Chris Ruane (Vale of Clwyd) (Lab): Last, but not least.

Does the Minister agree with the view that the Lisbon treaty was a package of modest and necessary reforms, and that EU-wide co-operation was necessary to produce an efficient regulatory system? That is the view of the right hon. and learned Member for Rushcliffe (Mr. Clarke), as articulated to the Japanese chamber of commerce.

Mr. McFadden: It is the case that the right hon. and learned Gentleman is reported to have told the Japanese chamber of commerce that the Lisbon treaty was a modest and sensible set of reforms. I am only sad that the rest of those on the Opposition Front Bench disagree. As on several other occasions, the right hon. and learned Gentleman shows considerable wisdom that is sadly not shared by the rest of his party.

Several hon. Members *rose*—

Mr. Speaker: Order. I hope Members will agree that topical questions are a valuable and valued part of our proceedings. I am keen always to accommodate as many Members as possible, but we could improve in terms of pithiness of question and answer to get everybody in within time.

Business of the House

11.37 am

Sir George Young (North-West Hampshire) (Con): May I ask the right hon. and learned Lady to give us the business for next week?

The Leader of the House of Commons (Ms Harriet Harman): The business for the week commencing 18 January will be:

MONDAY 18 JANUARY–Second Reading of the Crime and Security Bill.

TUESDAY 19 JANUARY–Consideration in Committee of the Constitutional Reform and Governance Bill (day 3).

WEDNESDAY 20 JANUARY–Consideration in Committee and remaining stages of the Fiscal Responsibility Bill.

THURSDAY 21 JANUARY–Topical debate, subject to be announced, followed by, if necessary, consideration of Lords amendments to the Video Recordings Bill. To follow, the Chairman of Ways and Means has named opposed private business for consideration.

The provisional business for the week commencing 25 January will include:

MONDAY 25 JANUARY–Remaining stages of the Financial Services Bill.

TUESDAY 26 JANUARY–Consideration in Committee of the Constitutional Reform and Governance Bill (day 4).

WEDNESDAY 27 JANUARY–Opposition Day [3rd allotted day]. There will be a debate on an Opposition motion, subject to be announced.

THURSDAY 28 JANUARY–Topical debate, subject to be announced; to follow, the Chairman of Ways and Means has named opposed private business for consideration.

FRIDAY 29 JANUARY–Private Members' Bills.

I should also like to inform the House about business in Westminster Hall.

THURSDAY 28 JANUARY–A debate from the Environmental Audit Committee on carbon capture and storage.

Sir George Young: The House is grateful to the right hon. and learned Lady for telling us next week's business.

The whole country will be haunted by the traumatic images that are emerging from Haiti as the devastating scale of the disaster there becomes clearer. Many British non-governmental organisations are now mobilising disaster appeals. Given that in the immediate aftermath of the 2004 tsunami, millions of people donated hundreds of millions of pounds to the relief fund, I am sure that the British people will again respond with generosity. I am also sure that all colleagues will want to support fundraising events in their constituencies over the weekend. We welcome yesterday's statement from the International Development Secretary, and we hope that he will continue to keep the House informed over coming weeks. In addition, might he consider this issue as a subject for next week's topical debate?

Where is the debate on the Wright report? It has not yet appeared on the parliamentary radar. The Government's handling of the report makes the case, more effectively even than the report put it, for their relinquishing their iron grip on the business of the House. They dithered for five weeks at the beginning of the process, before the Wright Committee was set up, and now they are dithering at the end. The Committee set the lowest of all possible hurdles at the beginning of the course by asking for a debate within eight weeks, but the Government have totally failed to clear that hurdle. It is not just the House that is impatient for change, but the whole country, so when will the Government hold a debate on the Wright report, and will there be a decision at the end of it?

Following today's report from the National Audit Office, may we have a debate on the Government's dementia strategy? The strategy was launched with much fanfare earlier last year, but we now learn from the NAO that Ministers have failed to make the disease a priority, that they show no signs of fulfilling their pledge to provide memory clinics across the UK and that they are unable to prove that the money set aside for the strategy is even reaching those who need it. So, may we have a debate on that crucial report?

May we also have a statement on minimum pricing for alcohol? For months, the Government have said that that idea is, in the words of the Home Secretary, a "non-runner", but an article in yesterday's edition of *The Daily Telegraph* stated that a scheme led by the Health Secretary will fix prices for alcohol units in order to crack down on supermarkets selling cheap drink. Is that a Government U-turn?

Again, may I ask when we will get the dates for the Easter recess? Last week, the Leader of the House claimed that she would publish them "in the usual way", but the usual way is to publish all the recess dates for the year ahead, once, in October. When is she going to end this state of uncertainty?

Is the right hon. and learned Lady any clearer about whether she will give additional time to debate the Constitutional Reform and Governance Bill? There is an important new clause on implementing the Kelly measures, and, if the Government have resolved their internal differences, on voting reform of the House. The House will want to scrutinise both those elements, so will she guarantee an extra two days in Committee for the Bill?

Finally, may we have a statement on the election night count? A number of senior figures, including yourself, Mr. Speaker, have said that it would be, in your words, "a travesty" for the count to be delayed by local authorities until the next day. Yesterday, no less a figure than the Government Chief Whip told his local paper that delaying the count would increase the risk of electoral fraud. Is there any doubt that having a Thursday night count is the right thing to do?

Ms Harman: I fully support the right hon. Gentleman's comments about the devastation and tragedy unfolding in Haiti. He will remember that the Secretary of State for International Development answered an urgent question about it yesterday. Indeed, the subject of Haiti and of British Government and international support for Haitians at this time was dealt with by the Prime Minister in Prime Minister's questions. I can tell the House that our search and rescue teams, who are recognised throughout the world as having great expertise and experience, have landed in the Dominican Republic and will shortly arrive in Haiti. They will be working on search and rescue, but Department for International Development humanitarian assessment work will also be done, so that, as the search and rescue carries on, the further needs for shelter, water supplies, medicine and food will be assessed. The work of the disaster assessment and co-ordination team is under way, and it will continue to keep the House updated regularly. Of course, we all support such voluntary work, as well as charitable donations to the Disasters Emergency Committee fund.

I said to the House last week that there will be an opportunity for it to debate the Wright Committee report and to make decisions. We strongly believe in strengthening the role of the House of Commons and that making it more effective is essential to restoring public trust in our political system. That is why the Prime Minister announced the establishment of the Wright Committee last summer and why I brought to the House the motion to establish it and got the House's support.

We have already had a 90-minute debate on the report in Westminster Hall last month-in which 17 colleagues participated, and an opportunity to debate and approve the principle of the election of Deputy Speakers by ballot, which was a Wright Committee recommendation. However, this is a complex matter on which the Government will have to take a view about what it is right to bring to the House. The report was not unanimous in all respects, and there are some complex issues to consider. We want to ensure that we offer the House the right opportunity and that we do not dictate to the House on the matter.

I do not want anybody to misunderstand the right hon. Gentleman's comments as somehow meaning that the Government have stood still on improving how the House works. We have already introduced major reforms to modernise the House, including evidence-taking Public Bill Committees, pre-legislative scrutiny of draft Bills, greater resources and core tasks for Select Committees, Regional Committees, topical questions, which we have just heard, and topical debates. We have not stood still, but we do have further to go and the Wright Committee will be an important step forward when we bring its issues to the House. I can confirm that the House will have an opportunity to debate the report and decide on its recommendations.

The right hon. Gentleman raised the important question of dementia and the National Audit Office report. He will remember that it was just a year ago that we established the first national dementia strategy, which is on track. It is very important work that is fundamental to work in primary care, in the community, in hospital-based health care and in social care. It is work across the piece and we fully accept that it will not be completed in one year, but it is under way and it is a priority. We will obviously look in detail at the NAO report.

As far as the recess is concerned, the right hon. Gentleman is already complaining about the announcement of the Easter recess when we have not yet even got to the February recess. Again, I would not want him to create the wrong impression, and he knows that although Members of Parliament work in the House, we also work in our constituencies. We work in two places at once, and I would not want him to curry favour with those people who would like to imply that when we are not here in this House we are on holiday. That is not the case.

As far as progress on the Queen's Speech programme is concerned, we have had 13 Second Readings since the Queen's Speech and we are well under way. We will consider what amount of time needs to be given to the Constitutional Reform and Governance Bill when we bring forward the new clauses to implement Kelly, on which there have been talks with all the party leaders.

I have two concerns about election night. The first is that the count should be announced as soon as the people have voted, and the second is that it should be the right result.

Mr. David Heath (Somerton and Frome) (LD): The Wright Committee produced a draft motion for the House two months ago and it is still not on the Order Paper. The Leader of the House says that she is keen to facilitate it. I hope that she will tell us when she is keen not to facilitate something, because it will be a long time coming.

Last February, the Prime Minister said:

> "The old short-term bonus culture is gone. No rewards for failure…the old bonus culture removed".

I seem to have read this week that it is expected that about £40 billion will be paid out in bonuses this year, so may we have regular updates on that clearly very successful policy?

To renew a request from last week, may we have a debate on agriculture in the light of the Government's proposals for its future, the welcome announcement yesterday of the supply chain ombudsman and the ongoing difficulties faced on an everyday basis by people in rural areas, such as farm crime and fly-tipping? It is time that we had a proper debate on agriculture, so will the Leader of the House find time for it?

May we have a debate on public performance rights and music copyright licences? I do not know how well it is known that a new scheme that is to come into place in April will mean that anyone who switches on a radio or plays music in any bed and breakfast, pub, office, charity or carnival float, indeed any public place, will need a licence. I am the first to defend the right of musicians to receive proper recompense for their work, but that is an over-onerous burden to place on people across the country who will not be expecting it. We should debate that requirement, because it seems excessive.

Finally, the Leader of the House committed a heinous crime against the English language this week when she coined the word "wellderly", meaning well and elderly. Although some old people are well and elderly, may we concentrate on the "illderly" and the "poorderly"? May we have a debate on the fact that millions of pensioners in this country will not receive severe weather payments, after the cold weather of the past few weeks, simply because, although they are eligible for pension tax credits, they do not claim them, and so do not qualify for those severe weather payments? Given the extreme conditions, we should be worried about that, and I think that the House should have an opportunity to debate it.

Ms Harman: I have answered fully the question about the Wright Committee in response to the shadow Leader of the House, and I do not want to detain the House further on that because a number of hon. Members want to get in. I therefore have nothing further to add to what I said a couple of minutes ago when I responded to the shadow Leader of the House.

We believe that people find it objectionable that people get big bonuses, particularly when they appear not to have contributed but actually to have made matters worse. The hon. Member for Somerton and

[Ms Harman]

Frome (Mr. Heath) will know that we have taken action through the Financial Services Authority, and in many other respects, to curb the risk-taking bonus culture. He will also know that we are looking to tackle the deficit through a tax on the pool that companies set aside for bonuses. He will also know that we want to have a new tight rein on public sector bonuses, which is especially important for the highly paid given that we are looking to reduce the deficit by half over the next four years. He will know that the Treasury Select Committee has been hearing from Ministers on the great range of measures being taken to deal with soar-away bonuses in the private sector and to encourage proper restraint in public sector bonuses.

The hon. Gentleman asked about food and agriculture, and I agree that we need to look for an opportunity to debate those things. Matters for consideration include not just food production and the food 2030 programme of the Department for Environment, Food and Rural Affairs, but the rural economy and the interaction between supermarkets and consumer protection, so we might look to find time to debate that. On music copyright, Department for Culture, Media and Sport questions are next week, and it would probably be better for him to try to raise that question then.

The hon. Gentleman asked about the elderly, on whom we have debates relatively frequently—the last one was before we rose for the summer recess. He says that some people are well and elderly, but I would say that he has stressed the wrong emphasis. There is a new cohort—it represents a massive demographic change—of a large number of people who are over 65 but healthy, well, active and energetic and who have a great deal to contribute to their families, local communities and the economy. They are well and elderly, but we need the appropriate focus to be on the frail and elderly—those who are vulnerable, dependent and who have dementia. Actually, however, in this day and age, the overwhelming majority of elderly people are not like that, and it is about time that public policy recognised that fact. And if he can think of a better word than "wellderly", I would like to hear it.

Several hon. Members *rose*—

Mr. Speaker: Order. Thirty-one right hon. and hon. Members are seeking to catch my eye, and the House will be conscious that there is a statement to follow. I would like to be able to accommodate everybody who wants to take part, but short questions and answers will be required if I am to have any realistic chance of doing so.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): May we have a debate on the Government's immigration policy. My right hon. and learned Friend might be aware of a recent BBC investigation into the exploitation of European women by non-European men paying them to enter into sham marriages so that they can get access to this country. That is clearly a loophole in immigration policy, and it should be closed. I hope that she can do something to facilitate that.

Ms Harman: I will raise my hon. Friend's point with the Home Secretary. We are in no doubt that that practice is a breach of immigration rules and is serious organised crime undertaken by gangs. It is the exploitation of vulnerable women from abroad, and I shall ensure that the Home Secretary keeps the House informed.

Mr. Simon Burns (West Chelmsford) (Con): Will the Leader of the House please arrange for a statement next week so that hon. Members can familiarise themselves with the proposals and decision to turn Bellamy's and the Astor Suite into a crèche? Were the Administration Committee, the staff associations, the staff directly involved and those who use the facilities consulted? Why was there a need to close those two establishments to make room for a crèche?

Ms Harman: Having nursery facilities for Members, their children and the children of staff and Officers of the House of Commons is a great step forward taken by the Members Estimate Committee. It is long overdue. I would have liked it to have happened when I first entered the House about 25 years ago. On the question about the procedure prior to the decision, I shall look into whether the Members Estimate Committee can place a letter in the House of Commons Library about the detailed process undertaken and how the matter will progress.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Is the Leader of the House aware that £333 million of subcontracts have just been signed for two aircraft carriers? Given that the two Opposition parties have not yet signed up to the aircraft carriers, does she agree that a debate on the future of the Royal Navy is essential?

Ms Harman: I will take my hon. Friend's suggestion into account. He is right about the aircraft carrier orders. They are essential not only to the military but to our manufacturing base, which we are determined to support. Perhaps he would like to know that I am going to Faslane tomorrow.

Mr. Hugo Swire (East Devon) (Con): Many carers up and down the country will be disappointed by the Leader of the House's refusal to hold a debate on the Government's dementia strategy. No one expects the entire problem to be solved within a year, but there has been scant progress in better training for GP memory clinics up and down the country and in better patient support. Will the Leader of the House reconsider and have Ministers make a statement to the House to update us on where the dementia strategy is going?

Ms Harman: I have already said that there are a number of issues relating to older people, including not only the "wellderly", but those who are not well and who have dementia, so we might be able to have a debate encompassing dementia. We are determined to make—and are making—progress on the national dementia strategy.

Julie Morgan (Cardiff, North) (Lab): My private Member's Bill on sunbed regulation is set to receive its Second Reading on 29 January. Does my right hon. and learned Friend agree that as well as debating the introduction of regulations governing sunbed use, we should debate the huge issue of why so many people, particularly young women, feel under pressure to use sunbeds and to get a tan? Ought the House not to be debating that?

Ms Harman: I warmly congratulate my hon. Friend on picking sunbed regulation as the subject of her private Member's Bill, and I wish it every success. The need for such a Bill is a sad reflection on the need that women feel to alter their image. However, her Bill also highlights the dangerous health risk that sunbeds pose. I wish it every success.

Mr. Andrew Mackay (Bracknell) (Con): Given that the Leader of the House was sitting next to the Prime Minister at Prime Minister's Question Time yesterday, she will have heard the succinct question from my hon. Friend the Member for Westbury (Dr. Murrison) about the Prime Minister's views on the situation in the western Sahara, and she will know that the Prime Minister became geographically challenged. His reply was confusing and will have caused concern to the Government of Morocco and the people of the western Sahara, because he clearly moved it very far east. May we now have a statement, therefore, on the western Sahara from a Minister who can give a proper answer?

Ms Harman: I am sure that the right hon. Gentleman can ask that question during Foreign and Commonwealth Office questions next week. Of course, we are concerned about the long-running dispute over the status of western Sahara. It is vital that a political solution to the conflict is found, and we remain committed, as we always have been, to a just, lasting and mutually acceptable political solution in the western Sahara.

Mr. Edward O'Hara (Knowsley, South) (Lab): My right hon. and learned Friend will be aware that Lord Morris of Manchester's Contaminated Blood (Support for Infected and Bereaved Persons) Bill has just completed an expeditious passage through the other place, with strong and wide support in all parts of that House. Could she indicate when the Bill will come before this House and give an assurance of Government support and time to ensure its passage through this place before the general election?

Ms Harman: It is very important that we ensure that those who have suffered from contaminated blood are properly and additionally compensated. I look forward to having an early opportunity to keep the House informed on progress on that.

Sir Alan Beith (Berwick-upon-Tweed) (LD): Is the Leader of the House aware that when most of the country was covered by snow, farmers were warned that if they did not drain the red diesel from their tractors before helping their neighbours by gritting nearby roads, they could be prosecuted? Could the Solicitor-General or a Treasury Minister come to the House and provide a reassurance that they are not living on another planet?

Ms Harman: I am sorry, but I shall have to have a "western Sahara moment" on that one and get back to the right hon. Gentleman.

Mr. Chris Mullin (Sunderland, South) (Lab): I appreciate that my right hon. and learned Friend might not have any more to say on the Wright proposals, but I do. I appreciate also that they are ultimately a matter for the House, but could the Government show a little more enthusiasm about them? Were we to vote down everything that has been proposed, that would damage the entire political system and us as a class; and the way things are going, I think that we are heading in that direction.

Ms Harman: We are absolutely not heading in the direction of voting down all the proposals of the Wright Committee. However, my hon. Friend will recognise that the issues are complex. We want to ensure that we have unanimity and consensus, and that we start from a firm foundation, building on the Wright Committee's proposals, and that is what we will do.

Mr. Ian Liddell-Grainger (Bridgwater) (Con): Owing to the collapse of Avon and Somerset police's computer system, 30 Indians have been brought in on temporary visas to try to sort the situation out. Given the fact that they need total access to all the records held by Avon and Somerset police to do so and given the world that we live in, could we have time for a debate on the rights and wrongs of bringing in temporary workers in a very high security area?

Ms Harman: If the hon. Gentleman cannot get a satisfactory answer on that matter from the police authorities in his area, he should raise it directly with the Home Secretary. However, I would hope and expect that proper security measures have been taken.

Barry Gardiner (Brent, North) (Lab): The application of stop-and-search powers under section 44 of the Terrorism Act 2000 was found by the European Court of Human Rights earlier this week to be illegal. Although members of the public of course want to know that the police use such powers to protect them, they equally want to be assured that they are not being used by the police to go on fishing expeditions. Will my right hon. and learned Friend ensure that we have an opportunity to debate the matter at some length?

Ms Harman: These powers are very important indeed to protect our security, and they are only used sparingly. We do not accept the Court's judgment and we are appealing against it. While we are appealing, as we are perfectly entitled to do, our law stands and the police will continue to have it at their disposal.

Mr. William Cash (Stone) (Con): The Leader of the House will be aware of my United Kingdom Parliamentary Sovereignty Bill, which is published today, on one sheet of paper and with only five clauses. She will also be aware of the debate that we had on the subject last night in the House. Will she now arrange for the Bill to be enacted by the Government?

Ms Harman: Perhaps that is something that the hon. Gentleman can put to the Foreign Secretary at Foreign Office questions next week.

Mr. Ian Cawsey (Brigg and Goole) (Lab): The recent severe weather again underlines the need for reliable and convenient public transport services, yet many of our smaller railway stations remain underused. Tomorrow I will chair another round-table meeting to try to make more use of our local stations, but with so many different bodies involved since privatisation, experience shows that doing so is a bit like wading through treacle. Can

[Mr. Ian Cawsey]

we therefore have a debate on the rail network and how we can simplify procedures to allow local decisions on the best solutions for each area?

Ms Harman: I will consider the opportunity for debate, but I will also draw the attention of Transport Ministers to the important initiative that my hon. Friend has taken on behalf of his constituents to address their transport needs.

Andrew Rosindell (Romford) (Con): I wonder whether the Leader of the House has had time to study the report published by Professor Sir Patrick Bateson about dog welfare, dangerous dogs, microchipping and all the issues relating to dog crime in this country. Will she ensure that we have a debate on that important matter and that the Government act upon it as quickly as possible?

Ms Harman: I will consider that alongside the other requests that we have had for topical debates.

Mr. Tom Watson (West Bromwich, East) (Lab): The United States Secretary of State Hillary Clinton has asked the Chinese Government to explain themselves after a tech company, Google, revealed that its internal systems had been hacked into with a view to looking at the e-mail accounts of Chinese dissidents. Does my right hon. and learned Friend think that we need a debate on cyber security, so that we can applaud Google's brave corporate decision to end the censorship of its search results and encourage other tech companies, such as Microsoft, Yahoo! and Apple, to follow suit?

Ms Harman: The points made in Google's statement raise serious allegations in respect of human rights, privacy and freedom of information. Although we are not party to Google's discussions with the Chinese authorities, we are monitoring the situation very closely indeed. My hon. Friend regularly raises such issues in the House of Commons. We are strongly committed to freedom of speech in China and everywhere else, and the matter is one that could be raised in either Foreign Office questions or Culture, Media and Sport questions next week.

Greg Mulholland (Leeds, North-West) (LD): Teachers, head teachers and staff have heroically kept many schools open in Leeds, compared with other areas of the country, yet now those schools and their pupils are to be penalised, because of the attendance records of those pupils who could not get in. That is clearly absurd and needs to be changed. Can we have a statement from the appropriate Minister to say that that will happen?

Ms Harman: Nobody will be penalised because pupils could not reach their schools owing to transport problems. However, it is important that we should expect schools to monitor and do everything that they can to ensure that all pupils attend. If pupils do not attend, individual action must be taken to ensure that their attendance is improved, and if the whole school has a poor attendance record, action must also be taken. We must ensure that all pupils can get to school, but we must also ensure that we deal with the problem of truancy and the lack of attendance.

Martin Salter (Reading, West) (Lab): The Leader of the House has, certainly until now, enjoyed a justifiable reputation as a parliamentary reformer, but who can doubt that this place still needs to reform its arcane and antediluvian procedures and practices? However, with yet another business statement failing to announce time for a debate and a vote on the Wright report, does she not realise that unless this House gets a specific date and time in the next couple of weeks she is, perhaps unfairly, in danger of being portrayed as a roadblock to reform?

Ms Harman: I thank my hon. Friend for raising the issue of my reputation, but what is important is not my reputation, but that of this House and the fact that we need to make progress to restore public confidence. We have already taken many steps along that road, in sorting out the parliamentary allowance system and reforming how the House does its business, and building on that is very much the next step.

Sir Nicholas Winterton (Macclesfield) (Con): Does the Leader of the House accept that the Select Committee on Reform of the House of Commons was established to honour a commitment made by the Prime Minister to restore integrity and independence to the Chamber? Is that not a good reason to bring forward the Wright report for a full day's debate and for decisions by the House on a free vote? We want this House's integrity and independence to be restored, so that there is power for the Back Benchers in this Chamber.

Ms Harman: Absolutely, and I think that we are all agreed on that. The steps will be taken.

Keith Vaz (Leicester, East) (Lab): I refer the House to the Register of Members' Financial Interests. When can we have a debate on the situation in Yemen? The Leader of the House will know that, thanks to the generosity of Mr. Speaker, an urgent question was answered last week. However, since then the date for the conference has been moved, from 28 January to 27 January. The German Foreign Minister has flown to Sana'a and a British hostage is still being held in Yemen. Surely we should have a full debate on that important subject and not just be left to ask questions of the Foreign Secretary in the House.

Ms Harman: I pay tribute to my right hon. Friend for raising the urgent question that enabled the House to discuss Yemen as soon as the issue arose. The next opportunity to raise the subject will be next week at Foreign Office questions, but I will look into whether we can have a topical debate on the matter.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): May we have a debate next week entitled "Evidence to the Chilcot inquiry"? This would enable right hon. and hon. Members to express the view that the Prime Minister should give evidence to the inquiry before the general election, so that the electorate may know the extent of his personal responsibility for what is clearly an unlawful war and for the underfunding and under-resourcing of British forces when they went to war and in the reconstruction period thereafter?

Ms Harman: I would have thought that the right hon. and learned Gentleman would recognise that Chilcot is independent, and that it is not the job of the House to breathe down the neck of an independent inquiry before it has even reported. The time for the House to debate the Chilcot inquiry will be after it has reported.

Mr. Denis MacShane (Rotherham) (Lab): May we have an early debate on the globalisation of homophobia as politics, the ugliest example of which is in Uganda? Why is DFID sending so much money to countries that promote anti-gay politics? When will our faiths—including the Church of England, the Church of Rome and the Muslim Council of Britain—condemn the new international politics that seeks to oppress gays in many parts of the world?

Ms Harman: I strongly agree with my right hon. Friend that tackling homophobia has to be at the heart of our concern for human rights for every individual in every country in the world. Perhaps he could raise the specific point about DFID at DFID questions next week.

John Mason (Glasgow, East) (SNP): The Calman commission has recommended that certain extra powers be transferred to the Scottish Parliament. There is cross-party agreement on a lot of those powers, including the one relating to the drink-drive limit. We have a problem of deaths caused by people who have drunk too much alcohol, and I believe that tomorrow is the deadline for the Government to make moves towards transferring the powers. Will they do that?

Ms Harman: I will ask the Secretary of State for Scotland to write to the hon. Gentleman about that issue.

Michael Connarty (Linlithgow and East Falkirk) (Lab): My right hon. and learned Friend will be aware of the free offer scam on health supplements such as the acacia berry free offer, which, unfortunately, involves a company that has its base in Linlithgow in my constituency. Although people cancelled the free offers, they still had money taken from their credit cards for up to four quarters. I am told by the police that a solution would require a change to the banking regulations, because they have no power to deal with such arrangements when people take up these offers using their credit cards. Can the Leader of the House do something about this?

Ms Harman: It is very important indeed that consumers are protected from that sort of scam, and I will raise the matter with my colleagues in the Department for Business, Innovation and Skills.

Dr. Julian Lewis (New Forest, East) (Con): Mine is a western Southampton question. Given that the Prime Minister himself said that the people of Southampton and Totton would decide whether their water should be fluoridated, and that both the Labour Southampton MPs, including a member of the Cabinet, have said that it should not be fluoridated—for the time being at least—because of the 72 per cent. opposition to the proposal, may we have a statement from a Health Minister explaining why a health spokesman in the House of Lords said in a written answer on behalf of the Government:

> "We continue to support South Central Strategic Health Authority's decision to fluoridate a large part of Southampton and parts of south-west Hampshire"—[*Official Report, House of Lords,* 16 December 2009; Vol. 715, c. WA239.]?

Ms Harman: If hon. Members want to make a point in business questions, that is obviously fine, but if they actually want an answer to a specific, detailed question, it is probably best to let me know what they are likely to ask, so that I can give them a better informed answer than the one that I am about to give, which is that I will ask the Health Secretary to write to the hon. Gentleman.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): May we have an early debate on the long-term effects on our constituencies and our country of foreign takeovers of UK companies? In Yorkshire, we have had Walmart taking over Asda with disastrous results, and Nestlé taking over Rowntree. Now, Cadbury is possibly to be taken over by Kraft or Hershey. These events can have a considerable effect on our constituencies and our country. Let us have a serious debate on the long-term effects of foreign ownership of British companies.

Ms Harman: We have just had Business, Innovation and Skills questions, but I would like to assure my hon. Friend that the Government are acutely aware of the strength of feeling generated by the takeover bid in respect of Cadbury, which is a major UK company. Today, Lord Mandelson will be holding a round-table discussion with shareholders and companies to ensure that shareholders play a full part in corporate governance, including by taking a long-term view of their investments. We need to ensure that the work force and British manufacturing are protected.

Mr. Paul Burstow (Sutton and Cheam) (LD): May I draw the House's attention to early-day motion 42, which deals with carers?

[That this House notes that in the National Strategy for Carers the Government pledged that by 2018 carers will be supported so that they are not forced into financial hardship by their caring role; believes that carers cannot wait because too many are living in poverty and financial hardship now, struggling to afford the basic costs of living, unable to study or work without their benefits being cut off, or facing the removal of their allowance when they start to claim their pension; further notes that the UK's six million carers save the country an estimated 87 billion per year, and that in return, the main carer's benefit is the lowest of its kind, paid at only 53.10 a week for a minimum of 35 hours caring, equivalent to 1.52 per hour, far short of the national minimum wage of 5.73 per hour; supports the Carer's Poverty Charter signed by the Alzheimer's Society, Carers UK, Citizens Advice, Contact a Family, Counsel and Care, Crossroads Caring for Carers, Every Disabled Child Matters, for dementia, Mencap, Macmillan Cancer, Motor Neurone Disease Society, National Autistic Society, Oxfam, Parkinson's Disease Society, Princess Royal Trust for Carers, Rethink, Union of Shop, Distributive and Allied Workers and Vitalise; and calls on the Government

[Mr. Paul Burstow]

to set out an urgent timetable of action to improve carers' benefits and income that protects carers from falling into poverty or financial hardship, reflects carers' different circumstances, helps carers to combine caring with paid work and study and is easy to understand and straightforward to claim.]

May I ask for a debate on the evidence produced by the Princess Royal Trust for Carers and Crossroads Care, which shows that, in many parts of the country last year, the NHS siphoned off millions of pounds that was meant to have paid for the breaks and other support that carers need? We need to have that debate, so that we can establish whether Ministers have learned the lessons in the first year of having money made available for that purpose, and ensure that all the money—£100 million in the coming year—actually gets to the carers.

Ms Harman: Obviously, we have made sure that additional resources are directed to supporting carers. We also want to ensure that the money reaches those who need it. In addition, we are giving greater protection to carers who are also at work, because most carers hold down a job as well as caring for an elderly or disabled relative. There will be new, stronger legal protection in the Equality Bill to protect carers from being discriminated against by their employers.

Mr. Lindsay Hoyle (Chorley) (Lab): The Post Office is a much-valued, much used and much loved brand. When can we have a debate to ask the Government to put more services through the Post Office and Royal Mail, to ensure that there are no more closures? Will my right hon. and learned Friend allow us an early debate in order to support the post office network?

Ms Harman: I will look for an opportunity for that sort of debate. We have a strong, ongoing commitment to the post office network and we are looking for opportunities to provide new services through post offices.

Jeremy Wright (Rugby and Kenilworth) (Con): May I ask the Leader of the House to return to the subject of the national dementia strategy? She said earlier that it was on track, and I hope that she is right. She will know, however, that the National Audit Office this morning suggests that it is not so sure. The Government were right to make dementia care a priority last year, and to produce the dementia strategy. Given what has been said this morning, however, may we have a proper debate—the first in Government time—about the strategy, to ensure that this important priority is being effectively implemented?

Ms Harman: Of course we all want to ensure that the strategy is kept on track. It was drawn up following a wide consultation involving primary and hospital care as well as the voluntary sector. I know that the hon. Gentleman chairs the all-party parliamentary group on dementia. The Government are not complacent. We regard this as long overdue action, and we will be taking it and working with Members on both sides of the House to ensure that it happens in every constituency.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): May we have a debate on taxi legislation, to discuss the legal loophole that allows some private hire firms to register in one local authority area but operate almost exclusively in another, as is happening in Milton Keynes? They normally do this to avoid the higher charges made by urban authorities and the knowledge exams required. This is bad for business and very bad for customers.

Ms Harman: The hon. Gentleman raises an important point. This is also a question of the standards being enforced equally across different authorities. I will discuss the matter with Transport Ministers and get back to him.

Mr. Philip Hollobone (Kettering) (Con): When citizens from other EU countries come to reside in the UK, they are allowed to bring their vehicles with them, and to drive them on British roads for up to six months before getting the necessary MOT and so on. There is no effective mechanism to enforce that six-month rule, however. May we have a statement in the House from the Transport Minister on the measures that the Government intend to introduce to ensure that these vehicles can be appropriately registered and MOT-tested?

Ms Harman: I will ask the Transport Minister to write to the hon. Gentleman on that matter.

Mr. Andrew Pelling (Croydon, Central) (Ind): A lot of us enjoy watching soccer in the lower leagues of the English league system. What can I do to raise this subject with Ministers in the House? One of my local clubs—Croydon football club—has been having abortive discussions with the council about gaining support. How can I best raise this issue?

Ms Harman: I think the hon. Gentleman has done a good job already, but he can reinforce it at Department for Culture, Media and Sport questions next week.

Mr. David Burrowes (Enfield, Southgate) (Con): May we have a statement from the Home Secretary about my constituent, Gary McKinnon, who was given the green light yesterday by the High Court to challenge the Home Secretary's decision to allow his extradition? Surely the Home Secretary should see the writing on the wall from the court's decision that he was wrong to ignore the compelling medical evidence and wrong to allow the extradition, given my constituent's perilous mental state.

Ms Harman: This is now going forward for judicial review.

Tom Brake (Carshalton and Wallington) (LD): May we have a debate on the Government's failure, after more than three weeks, to issue travel documents to Mr. al-Sirraj, who was wrongly detained in the US Camp Cropper in Baghdad, that would allow him to come back to the UK to be reunited with his British wife?

Ms Harman: I will raise that point with the Minister for Borders and Immigration. I do not know whether the hon. Gentleman has tabled a written question, written a letter or asked for a meeting; if those steps have already been taken but have not succeeded, I will raise the matter with my ministerial colleague this afternoon.

Mark Hunter (Cheadle) (LD): My area is well covered by two excellent local hospitals—Stepping Hill in Stockport and Wythenshawe in south Manchester—but I am concerned about new rules under which Department of Health officials are interpreting new regulations for NHS charities, whereby donations to individual hospitals and charities would have to be consolidated into general NHS funds, thus undermining the independence of the said charities, potentially damaging the level of income from donations. May we have an urgent debate on this extremely important matter, which is also the subject of early-day motion 518 in the name of my hon. Friend the Member for Cardiff, Central (Jenny Willott)?

[That this House is alarmed at the manner in which the Department of Health and Monitor are applying International Accounting Standard 27, which will come into effect from April 2010, to NHS charities; notes the serious concern amongst the Association of NHS Charities and the Charity Commission that this could lead to the consolidation of NHS charities' funds, worth over £300 million annually, and assets, worth over £2 billion, into the public accounts of their parent NHS bodies; believes this would seriously undermine the independence of those charities and damage their level of income from donations; further believes that the manner in which these accounting standards are being applied is entirely inappropriate for NHS charities; and calls on the Treasury and the Office of the Third Sector to take action to ensure that the existing independence of NHS charities from public sector bodies is maintained.]

Ms Harman: I will ask my right hon. Friend the Secretary of State for Health to respond to the hon. Gentleman about the issues raised in the early-day motion and to place a copy of his response in the Library.

Mr. Peter Bone (Wellingborough) (Con): Business questions are, especially for Back-Bench MPs, one of the most important parts of the parliamentary week, and not only because the deputy Prime Minister answers these questions so excellently. Will the Leader of the House—sorry, I mean the Deputy Prime Minister—explain why the February recess starts on a Wednesday rather than a Thursday, which means that we will miss the opportunity to hear her on Thursday 11 February?

Ms Harman: Well, I have nothing at all to say in response to that. I just have nothing to say—sorry!

Dr. Evan Harris (Oxford, West and Abingdon) (LD): The Wright Committee was elected by all parties, so it is only logical that the House should have a chance to vote on the result of its recommendations. Why not, then, just put the resolution proposed by the elected Wright Committee and invite the colleagues of the Leader of the House, including anyone who disagrees with it, to amend it? Why not just do that at the appropriate time?

Ms Harman: The Committee itself acknowledged that there were very complex issues at stake, some of which required further work and some of which were ready to bring forward. Indeed, we have already dealt with the question of electing the Deputy Speakers. We will make progress, but it is not a simple, straightforward issue on which there was unanimity. We are as concerned as anyone else, if not more so, to ensure that the reputation of the House should be held in high regard. We will make sure that these measures can be taken forward.

Mr. Speaker: I am very grateful for the House's co-operation, as no fewer than 36 Back-Bench Members were able to get into the debate in a session lasting 46 minutes. I am extremely grateful to colleagues for that.

Thalidomide Survivors

12.24 pm

The Minister of State, Department of Health (Mr. Mike O'Brien): With permission, Mr. Speaker, I wish to make a statement about help for thalidomide survivors. Between 1958 and 1961, the drug thalidomide was used by expectant mothers to control the symptoms of morning sickness. Tragically, this led to many babies being born with often severe physical disabilities. There are currently 466 thalidomiders, as they refer to themselves, who are beneficiaries of the Thalidomide Trust. The Government wish to express their deep sympathy for the injury and suffering endured by all those affected. I will say more about that in a moment.

I am pleased to report that the Government will now fund a £20 million, three-year pilot scheme to help meet the health needs of thalidomide survivors in a more personalised way. Funding has been found from existing departmental central contingency budgets. The scheme will be operated by the Thalidomide Trust, which will use its considerable expertise and knowledge of its members' needs to distribute money to survivors. They, in turn, will invest the money in adaptations and other preventive measures that are likely to reduce long-term demands on the NHS.

In recent months, I have met the national advisory council of the Thalidomide Trust on a number of occasions, and it impressed on me its concerns about the continuing and increasing health needs of thalidomiders as they approach older age. This additional funding will help to meet their complex and highly specialised needs, and to reduce further degeneration in their health.

There will be clear principles for the use of the money. It will be used to explore how the health needs of thalidomide survivors can best be met in the longer term. It will also be used to look at the effectiveness of the scheme and how this approach—of working through an expert national body—might be applied to other small groups of geographically dispersed patients with specialised needs. The evaluation will be focused on thalidomide survivors in England. However, as the Thalidomide Trust has discretion in how it uses its funding, we expect that survivors living outside England will also benefit.

It is important to acknowledge that this announcement builds on work done with thalidomiders in past decades by Lord Morris of Manchester and by Lord Ashley of Stoke. Lord Morris, appointed as the first Minister for Disabled People in 1974, made Distillers, the then owners of the thalidomide drug, establish a trust fund for affected children. Lord Ashley has tirelessly campaigned for greater recognition of the effects of the drug and the needs of thalidomiders, which has also led to improvements in drug safety. The work of Harold Evans and *The Sunday Times* should also be acknowledged, as should the campaigning by a number of current Members of this House.

While the Government are taking positive steps to help thalidomide survivors, the contribution of the Thalidomide Trust to supporting survivors and their families cannot be overstated. I would also like to take this opportunity to pay tribute to the work of the trust, its officers and, in particular, to the members of the national advisory council, which has worked tirelessly to champion the cause of thalidomiders.

Importantly, let me make the following statement on behalf of the Government, as I know that many thalidomiders have waited a long time for it; it has been agreed with the national advisory council. The Government wish to express their sincere regret and deep sympathy for the injury and suffering endured by all those affected when expectant mothers took the thalidomide drug between 1958 and 1961. We acknowledge both the physical hardship and the emotional difficulties that have faced the children affected and their families as a result of this drug and the challenges that many continue to endure, often on a daily basis. In the light of what happened, a complete review of the machinery for marketing, testing and regulating drugs was initiated, including the enactment of the Medicines Act 1968, which introduced further testing for medicines prior to licensing to ensure that they met acceptable standards of safety and efficacy.

Mr. Stephen O'Brien (Eddisbury) (Con): I thank the Minister for letting me have an advance copy of the statement, and I am sure that all Members, and everyone we represent, would want to echo the Government's sincere regret and deep sympathy for the injury and suffering endured by all those who were affected when expectant mothers took thalidomide between 1958 and 1961. I know that every Member on both sides of the House has the deepest sympathy for thalidomide survivors, and although no course of action will ever be able to make full amends for the injury that was caused by the use of this drug, I hope that the Minister's statement will offer them an increased sense of security for the future and give them the prospect of dignity as they grow older, with the extra burdens among survivors that are increasingly becoming apparent. They deserve our fullest respect, admiration and practical support.

During my time as a Conservative shadow Health Minister—and also before that, when I held an industry brief—I have been in touch with a number of thalidomide survivors, and I have been in continuing dialogue with the Thalidomide Trust and the national advisory council to it. I know that I speak on behalf of all Members on both the Opposition and Government Benches in paying tribute to both organisations for the different ways in which they have persevered in highlighting the cause and the needs of thalidomiders or thalidomide survivors—people use both those phrases.

The Minister's announcement to the House today, and also to the public before Christmas, of a £20 million three-year pilot scheme to support thalidomiders in meeting their health and care needs in a more personalised way, including through adaptions and preventive measures, will be welcome news to all survivors and the organisations that have represented their cause over the years. It will also be welcome news to the general public, many of whom—like me—grew up at the time of the thalidomide tragedy and remember with sadness the emotional turmoil that many families of their generation underwent and continue to undergo.

Given the disability and discomfort that so many survivors have had to endure, it is absolutely vital to offer thalidomiders a firm guarantee this afternoon that the £20 million pledge announced before Christmas has been drawn from a sustainable source of funding. Can the Minister also confirm whether the £20 million will be transferred to the Thalidomide Trust in a lump sum or in instalments, and from which central budgets the money will be drawn?

Thalidomide campaigners have long recognised that it is the Government who have the power to find tangible support for survivors. Over the years, many Members on both sides of the House have lobbied hard for the Government to take action, and many have done so to represent the plight of constituents who are thalidomide survivors—some of whom are here today to watch our proceedings. As my hon. Friend the Member for Banbury (Tony Baldry) pointed out in the Chamber on Tuesday, it is therefore slightly disappointing that the Minister has taken so long to inform the House of his intention to make this further money available to thalidomide victims, following his announcement before Christmas. However, that is such a small point that it should not overshadow the welcome news confirmed in the statement. I and all my colleagues will be pleased to report the Government's pledge back to our constituents as evidence that their campaigning has made a difference.

It is right that the Thalidomide Trust and the NAC will decide how and where this money is spent. They represent thalidomiders and they are the experts on their needs. It is the trust and the members of the NAC who can and must be trusted with that urgent and vital responsibility.

I welcome the Minister's remarks. Thalidomiders have waited a long time for this. I look forward to witnessing the impact that the funds confirmed today will have in creating better prospects for the health and well-being of thousands of thalidomide survivors and their families, and I salute their courage and example.

Mr. O'Brien: I thank the hon. Gentleman for the way in which he has responded to the statement. He raised two points: the timing of the statement, and the source of the funding. We had hoped to make a statement before the Christmas recess—and I had told the NAC that I would try to make the news public so that, if possible, thalidomiders would know about it before Christmas. Unfortunately, due to some internal issues in respect of funding and some legal issues that we wanted to resolve, we were not able to make certain final decisions until after the recess had commenced, but because I had made the commitment that we would try to get the message out before Christmas, I issued a press statement on 23 December so that thalidomiders were made aware that the £20 million will be available and that that has been confirmed. However, I wanted to make the statement of regret to the House, and that has now been done.

The £20 million in funding will be paid up front, before the end of the financial year, to the Thalidomide Trust as a lump sum. That was requested by the NAC in its negotiations, and we were able to agree to it. The ntmoney comes from the central contingency funds that are held by the Department, and therefore no funding will be diverted from other sources.

Mr. David Heath (Somerton and Frome) (LD): May I also strongly welcome the Minister's statement? I accept entirely what he said about the timing of the announcement to the House; it was very important to put that information into the public domain, and I am glad he did so on this occasion.

I am also glad that the Minister paid tribute to the campaigners who have worked so hard on the issue—not only those in the trust, but those in both Houses of Parliament who have taken up the issue along with members of the press. There has been a long-standing and concerted campaign, and it has been conducted with enormous perseverance. We should pay tribute to those involved for what they have achieved. They have secured not only payments that were entitled from the successors to the original company that marketed the drug, Distillers, but also—oddly, perhaps, in the context of such an awful thing happening to so many people—the real benefit and advance represented by the Medicines Act 1968. I am glad that the Minister mentioned that, because it provides a huge legacy of proper and good regulation based on sound science. I hope the Minister agrees that these events underline the importance of having a proper testing regime with high vigilance following the issuing of a marketing licence, including—to make a controversial point—animal testing because that is the only way the gestation of drugs can be assessed. The Act is a lasting legacy.

Can the Minister confirm that the research on the needs of the thalidomiders that is part of this package will be relevant to a wider group of people who are now experiencing the onset of old age, with the disability and all the mobility problems that that involves? In some respects, we have little relevant experience of helping people with disability as they get older, so there are lessons to be learned here that can be applied to the wider community. I also welcome the fact that the Minister said no funding programmes will be de-prioritised as a result of the action he has announced today.

Tributes have been paid to Members in the other place. In addition, I want to pay tribute to Members of this House, and especially the hon. Member for Gower (Mr. Caton), who tabled early-day motion 779 in the last Session, which was signed by 275 Members from both sides of the House. If I may sound one note of dissent, I was saddened at the time that those 275 Members did not include the hon. Member for South Cambridgeshire (Mr. Lansley) and the Conservative Front-Bench team. I know that it was a matter of great concern for the Thalidomide Trust that those Members were unable to provide support at that stage. However, I entirely accept the comments made today by the hon. Member for Eddisbury (Mr. O'Brien), and I am glad that the House has come together to support this very important initiative.

Mr. O'Brien: I thank the hon. Gentleman for his welcome for the statement. I entirely agree that the campaigners on the NAC and the work of the Thalidomide Trust deserve our strongest support and thanks. He is right that the Medicines Act 1968 is an important legacy from a real trauma visited on a number of families. He is also right that this underlines the importance of the proper testing of drugs, including animal testing. I understand that one of the problems was that although some animal testing of thalidomide was done, it was not done on pregnant animals and, as a result, some of the evidence base was lacking. It is, thus, important that we now have a much better and more effective approach and that we continue to develop it into a better system of ensuring that we do not have another visitation of this sort of tragedy on families in the future.

[Mr. Mike O'Brien]

The work and research that will be done will not, in a sense, be research into the individual thalidomiders; it will examine whether health adaptions can prevent the development of conditions that might develop if those adaptions were not put in place. It will have some wider relevance, but there is a uniqueness about the thalidomiders' situation that we should not underestimate.

On the funding, no other budgets for patients or other NHS research facilities will be cut as a result of this measure—we are using central budgets. This is not without cost, because £20 million is a lot of money and it might well have gone on other things, but it is important that this has taken place and we believe that an important priority for the NHS is ensuring that thalidomiders have the opportunity of as healthy a future as possible.

Mr. Martin Caton (Gower) (Lab): May I, too, give my warm welcome to the Minister's statement? I am chair of the all-party group on thalidomide, and the positive response that he has given to the campaign that we have supported, which has been led by the thalidomiders themselves, is excellent. I pay tribute to him, because he has provided a new pair of eyes, an open mind and, most important, a willingness to engage with thalidomiders that was not there before he took over this portfolio—he deserves enormous credit. He has rightly paid tribute, as I do, to the Thalidomide Trust and its national advisory council; Nick Dobrik and Guy Tweedy, in particular, have been working on this for an enormously long time. They have fought a very robust campaign, as many of us who have met them know, but they have done so out of care for their fellow thalidomiders.

I very much welcome the Minister's expression of regret and sympathy. It accepts that what we had back in 1958 was not a lack of scientific knowledge; it was a failure of regulation. Does he agree that not only will that expression of regret provide comfort to the surviving thalidomiders, but it constitutes a tribute to their parents, who began this campaign many decades ago, taking on Distillers and its apologists?

Mr. O'Brien: I thank my hon. Friend for his comments, and I pay tribute to his work and that of the all-party group, which has strongly supported the national advisory council in its campaign. I agree that Nick Dobrik, Guy Tweedy and their colleagues have been robust in their campaign. I have on occasion been robust in response, but I have also sought, as my hon. Friend says, to apply an open mind to this matter. I have also sought to give a sense that I care about how it has been dealt with in the past and that we needed to make progress and identify a way to help the thalidomiders to deal with some of the health issues that they have convinced me that they would face if we did not provide this support.

When I talked to some of the family members, it struck me that the expression of regret was important for them. It is also important for many of the thalidomiders in recognising that some of the families who care for the most severely disabled thalidomiders have had a very difficult time for a long period. I pay tribute to the care that those families provide—they do this out of love and for no other reason. It is important to many of them that a statement of regret should come from a Minister on behalf of the Government collectively in this way and that, coupled with it, some extra help should be provided.

Tony Baldry (Banbury) (Con): I echo the comments made by the chair of the all-party group, and I must say that the Minister does deserve genuine congratulations. In a Westminster Hall debate initiated by the hon. Member for Staffordshire, Moorlands (Charlotte Atkins), we all collectively exhorted him to abandon his "line to take", and to listen to what the House was saying, reflect upon it and come back with a scheme. In fairness to him, I should say that he did exactly that; he has reflected on what colleagues collectively urged him to do. Would that more Ministers took the collective advice of the House on issues of this kind.

I suspect that one of the reasons why it has taken so long to obtain the expression of regret is that departmental lawyers throughout the generations have been terrified that any such expression would be construed as an admission of liability. Is there not a broader point here for the Minister, who is also a lawyer, to address? Perhaps the House should reflect upon this on some other occasion, but huge amounts of NHS funds are spent on paying lawyers' bills—the Department's lawyers' bills and other people's lawyers' bills—when contesting cases of alleged negligence on the NHS. In any system of modern medicine there will always be times when things go wrong. Do we not need to try to find a system to resolve those issues whereby more of the available money goes to the patients and those who need it and less goes to the lawyers?

Mr. O'Brien: I thank the hon. Gentleman for the way in which he put his question. I, too, remember the debate initiated by my hon. Friend the Member for Staffordshire, Moorlands (Charlotte Atkins), and the meetings that I had, both before and afterwards, with some of the thalidomiders and their families made a profound impression on me.

The hon. Gentleman is right to say that we need to find ways to resolve much more quickly the wider issues in relation to negligence claims against the NHS. I have had experience of this with a constituent of mine, because we have been trying for some years to get a payment from the NHS for a negligence case. The distress and trauma caused by the delay in making the payment were very unhelpful, and we need to find ways to resolve these issues much more quickly. Sometimes lawyers come in for a lot of criticism, but on this occasion the departmental lawyers were very helpful in trying to resolve some of the issues about making this payment.

The hon. Gentleman is right to say that lawyers were advising Ministers over a long period that words had to be used with care because they carry weight and that caution had to be exercised in admitting liability. However, there are ways of saying things and of ensuring that the intentions and the thrust of what the Government want to convey are put across in a way that carries weight and deals with some of the legal issues. Department of Health lawyers were helpful in doing that. May I, too, add my thanks to the lawyers who represent the national advisory council, who were brilliantly helpful in ensuring that we were able to resolve these matters satisfactorily?

Charlotte Atkins (Staffordshire, Moorlands) (Lab): Thalidomide survivors have had to fight every step of the way to win justice. Clearly, the UK Government of the late 1950s shared responsibility for thalidomide and the disaster that occurred. I congratulate the Minister on doing the right thing. He did so first in expressing regret and sympathy, and in masterminding this settlement. He also did so in rejecting the calls from the Opposition when they asked for yet another review during my Adjournment debate in November.

Does my right hon. and learned Friend also agree that we owe a debt of gratitude to the thalidomide survivors, not only for their courage, determination and persistence in continuing with this campaign and fight for justice, but for the way in which they deal with their disabilities and the innovative way in which they have come up with solutions to the problems that they face in their daily lives? Does he not agree that they are role models to many people who struggle every day with the problems of disability because of the way in which they have worked together to find solutions? I congratulate them on the way in which they do it in such a determined but cheerful and comradely manner.

Mr. O'Brien: I thank my hon. Friend. She has played a leading part in the recent campaign, which has been very much in the tradition of the work done by Lord Ashley and Lord Morris, who have articulated many of the concerns of thalidomiders in this House and in Parliament as a whole. It has ensured that the thalidomiders' voice is heard, and I pay tribute to her.

My hon. Friend is right that there is a lot to be said for the innovative and progressive way in which the Thalidomide Trust has been able to make provision for thalidomiders and to help them deal with some of the issues that they have to deal with. I share in her expression of congratulation to the thalidomiders as a whole on the way in which they have been able to deal with some of the disabilities that have been visited on them.

Dr. Julian Lewis (New Forest, East) (Con): The hon. Member for Staffordshire, Moorlands (Charlotte Atkins) has just expressed in a far more eloquent way than I could the very point that I wanted to make. I shall make the point nevertheless, because it cannot be said too often. We talk about the victims, the tragedy and the people who have campaigned, but all too often we fail to talk about the mental strength and sheer moral courage of every single thalidomide victim who has had to cope with this disability from the moment of their birth. It is very important that we should pay tribute to the courage that every one of those people has shown. I am in awe of it.

Mr. O'Brien: I entirely agree with the hon. Gentleman about the mental strength and moral courage of many thalidomiders. I have seen that in my contact with them. May I add that there is sometimes a tendency for people who are physically able to feel somewhat sorry for people who have disabilities. When confronted by the robustness of Nick Dobrik, who has negotiated much of this arrangement and was recently reported in *The Sunday Times* as saying that sometimes he feels like Superman, one realises that people do not feel sorry for Nick. He has some disabilities, but he has that mental strength and moral courage, and I hope that one day we might see him in this House.

David Cairns (Inverclyde) (Lab): I warmly welcome my right hon. and learned Friend's statement, but may I press him a little further on the position of thalidomiders in Scotland, such as my constituents Mr. Stewart Macleod and Mr. Alan Deegan? He said in his statement that the evaluation would be focused on survivors in England, but that he fully expected that survivors living outside England would also benefit. Will he explain how that will happen? Will it be entirely at the discretion of the Thalidomide Trust in England, or is there some formal agreement with thalidomiders in Scotland? Has he had any discussions with his opposite number in the Scottish Government to see whether they might be prepared to make a contribution to this pot of money that would ensure that thalidomiders throughout the UK will benefit equally—let us not forget that the damage was done well before devolution was ever thought of—as they are all affected equally?

Mr. O'Brien: We hope that the devolved Administrations will look at the settlement, recognise that there are a number of thalidomiders in Scotland, Wales and Northern Ireland, and feel that they can make a further contribution to the funding. Perhaps 15 per cent. of thalidomiders live in Scotland, Wales or Northern Ireland and a further 10 per cent. live outside the UK. The way in which the Thalidomide Trust has asked to be able to deal with this question is satisfactory to us. We will make the payments to the trust and it will determine the appropriate way of making payments to thalidomiders, including those in Scotland; the trust will adjust its funding arrangements so that thalidomiders in Scotland are helped appropriately. However, that will be an internal matter for the Thalidomide Trust. Funding from this Government on this occasion, because health is a devolved matter, will be for English thalidomiders, but the Thalidomide Trust will adjust its funding to ensure that Scottish, Welsh and Northern Irish thalidomiders do not lose out.

Mr. Ian Cawsey (Brigg and Goole) (Lab): I add my congratulations to the Minister on his statement. It is no surprise to me that this has happened on his watch. May I ask him a question about the pilot scheme? I have no problem with the principle of a pilot scheme, but it is inevitable that people will move towards asking what will happen beyond that date. Three years is actually quite a long time to be considering that question. Will my right hon. and learned Friend at least leave the door open? If, during the three-year period, it becomes very obvious that the work of the trust is needed permanently in the future, can a review be held more quickly and the scheme be made permanent even before the end of the proposed three-year scheme?

Mr. O'Brien: My hon. Friend raises a good point. The scheme is a pilot and there is no commitment at this stage to go beyond the pilot period. Let me say, however, that we are looking at whether we can create a situation in which it is clear from the pilot that there will need to be a Government decision about future funding and a continuation of that future funding. There is no commitment at the moment, but the evaluation is necessary to determine whether the project has been a success. If it has been, Ministers would, we hope, decide that it could continue. It will be a decision, however, for Ministers. They might want to wait a little less than three years, so that there can be an indication to the Thalidomide Trust of how funding can be developed in the longer term. However, there will need to be research in the meantime into how the money is being spent.

Mrs. Betty Williams (Conwy) (Lab): I also add my grateful thanks to my right hon. and learned Friend for his statement today. We all have cases in our constituencies that we have had to bring to his attention. May I also pay tribute to the chair of the all-party group, my hon. Friend the Member for Gower (Mr. Caton)? He has also worked tirelessly on behalf of thalidomiders. I pay tribute to the trust, too, for the way in which it has lobbied parliamentarians. I listened very carefully to the Minister's response to the point made by my hon. Friend the Member for—

David Cairns: Inverclyde.

Mrs. Williams: From Scotland. His point was about the devolved Administrations. May I probe a little further on whether we could have a more formal means of working with the devolved Administrations? I would like to reach a situation in which thalidomiders in Scotland, Wales, Northern Ireland and England are not treated any differently. There could still be people out there who are not on anybody's list, and I hate to think that there are some people in parts of the UK who might not receive the same service and financial support.

As Members have already said, some of the carers have left. They have become old and weary, and so the carers aspect of the question is also important. Thalidomiders are also getting older, and are perhaps having to rely on young carers to look after them, which is an issue. I am pleased that the Minister referred to the work that Lord Ashley and Lord Morris have done; I have been on other all-party groups with them. I also hope that it will be possible for the Minister to express his firmness and sensitivity when dealing with the blood contamination issues—perhaps at a later date.

Mr. O'Brien: My hon. Friend has raised a number of important points. We shall see whether the devolved Administrations are prepared to make a further contribution of perhaps £5 million between them, which would deal with the trust having to readjust its own finances internally to ensure that no thalidomider loses out. She is entirely right that there has to be a continuation of care, and that some carers are at an age where it is becoming increasingly difficult to continue caring. They may well need extra help, and I hope that that would be available as a result of this funding, but it is important for me to say very clearly that it is intended that this extra funding will affect neither the tax position of thalidomiders nor their access to the benefits to which they would otherwise be entitled.

My hon. Friend asked about Lord Ashley, and I join her in paying tribute to him. There is a uniqueness about the position of thalidomiders, but I have made it clear that, if the project shows that a national organisation with appropriate funding can make a real difference to the health care of a particular specialised group, that may have a wider application in the sense of establishing an administrative process to ensure that money is targeted in a way that best helps people with particular and sometimes unique needs.

Chris Ruane (Vale of Clwyd) (Lab): May I endorse the comments made by my Welsh colleague my hon. Friend the Member for Conwy (Mrs. Williams) in congratulating my Welsh colleague my hon. Friend the Member for Gower (Mr. Caton), who has led the all-party group on this matter? I also want to reiterate the impact that the campaign has had on thalidomiders in Wales, Northern Ireland and Scotland. Would it be in order for the Minister to convene a meeting of Health Ministers of all those Administrations to discuss adopting a uniform approach across the UK?

Mr. O'Brien: My hon. Friend asks about convening a meeting, but Health Ministers are in regular contact in any event. The Government have certainly been in contact with the devolved Administrations about the settlement.

I entirely agree that we should congratulate my hon. Friend the Member for Gower (Mr. Caton), who has led the campaign in this House. We will be holding a reception at the Department of Health after this statement, which I hope some of the thalidomiders will be able to attend. I hope that my hon. Friend will also be able to attend, along with those who have been strongly involved in ensuring that the campaign was brought to a successful conclusion.

Privilege

Mr. Deputy Speaker (Sir Michael Lord): The hon. Member for Birmingham, Yardley (John Hemming) has tabled a motion for debate at the commencement of public business today under the rules set out at pages 167 to 168 of "Erskine May".

1.3 pm

John Hemming (Birmingham, Yardley) (LD): I wish to call attention to my complaint that an e-mail dated 4 August 2009 from Withers LLP, a firm of solicitors, committed a contempt of the House by seeking to intimidate a Member in his parliamentary conduct.

I therefore beg to move,

That the matter be referred to the Committee on Standards and Privileges.

Thank you, Mr. Deputy Speaker, for allowing me to raise this complaint. If the House agrees with my motion, it will be up to the Standards and Privileges Committee to examine not just the wording used by Withers in its e-mail to me of 4 August, as printed in yesterday's *Hansard* just after Mr. Speaker's statement, but the full context of the way in which attempts are being made to intimidate a Member of this House and to deter him, by threats ostensibly directed elsewhere, from exercising that freedom of speech enjoyed by this House as one of the principal foundations of the liberties of the British people.

This is an issue for the Committee to consider in detail, and detailed submissions will be made to it, but I feel that it is worth giving the House some of the background to the case. It relates to a dispute that has gone for about 10 or 11 years in respect of the Swan area of Yardley and which has been described as "store wars".

Initially, there was a proposal by Sainsbury to develop the site, but then Tesco put forward an alternative proposal that involved using less green space. For that reason, local politicians supported the Tesco proposal, but then Asda came in and bought a plot of land. Various problems arose. A person called Jeremy Knight-Adams had bought some land there previously, and a compulsory purchase order to buy Mr. Knight-Adam's land was finally arranged last year. He objects to that order, and we distributed a leaflet that refers to the actions of Asda, in particular, and of Sainsbury in buying plots of land. Mr. Knight-Adams has wrongly taken the leaflet as being intended to refer to him.

The real difficulty for this House arises from the e-mail of 4 August, and also from the great deal of other correspondence that has taken place since. Mr. Knight-Adams has threatened me with proceedings—not related to this House, but directed to a different issue—to prevent me from raising my concerns about the effects being felt by residents of Bakeman House.

Bakeman House is a sheltered scheme of 120 flats, about 118 of which are occupied by senior citizens. Those most vulnerable people are suffering from living in a building site, where there are all sorts of problems with parking and so on. A developer trying to ransom a plot of land is using spoiling tactics to stop me talking about the matter. He has threatened that he will take proceedings against me, although those proceedings do not mention the House. Obviously, the e-mail of 4 August is very explicit, but there is a lot of other correspondence that will go to the Committee.

Withers solicitors issued a short public statement on the matter. With the leave of the House, and to be fair to the company, I shall read the statement to the House, which is as follows:

> "Throughout our client's dispute with John Hemming MP, we have acted entirely properly and professionally in defending our client's reputation. We strongly refute Mr. Hemming's allegations that our actions were intimidatory in any way."

Obviously, the issue needs to be considered by the Standards and Privileges Committee.

Finally, the Law Society has also put out a statement. I am not quite sure whether it means that it supports referring the matter to the Committee for consideration, although I think that it does.

1.7 pm

The Parliamentary Secretary, Office of the Leader of the House of Commons (Barbara Keeley): These are important issues for the House and hon. Members, and I should like to give the Government's support for referring the motion in the name of the hon. Member for Birmingham, Yardley (John Hemming) to the Standards and Privileges Committee.

1.7 pm

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): We on the Conservative Benches also support the motion, as it clearly impacts on what Members of Parliament can say in this House. We should all be able to speak freely and without fear on any matter that arises as we carry out our duties.

For the sake of good order, however, there is one matter that I should like to clarify. The e-mail in question refers to materials that have been written and distributed outside the House. I should therefore like to make it clear that my comments are confined to what can be said in the House itself, and that Members of Parliament, like the general public, are of course subject to the normal laws of libel and slander in connection with anything that they say outside the House.

The Deputy Leader of the House will be aware that the Standards and Privileges Committee has a very heavy work load, and that it is important that the matter before us is resolved before the Dissolution of Parliament. Will she assure the House that she will make sure that the Committee gets any additional support and back-up—manpower, resources and so on—that it requires? In that way, we can ensure that we resolve this very important matter before the Dissolution of Parliament.

1.8 pm

Mr. David Heath (Somerton and Frome) (LD): I entirely support what the hon. Member for North-West Cambridgeshire (Mr. Vara) said about resourcing the Standards and Privileges Committee if this matter is referred to it.

This is the second time in the past couple of months that my attention has been drawn to a potential issue of privilege that has involved lawyers. I wonder whether lawyers are fully aware of constitutional law and the very important part that the privileges of this House play in our history and our democratic processes. To that extent, I admit that I am a little concerned by the

[Mr. David Heath]

briefing from the Law Society. It appears to question the basis on which parliamentary privilege is employed, but I hope that that is not the Law Society's position.

My hon. Friend the Member for Birmingham, Yardley (John Hemming) has raised issues that should properly be considered by the Standards and Privileges Committee, and I hope that the House will refer them to it with expedition.

1.9 pm

Dr. Andrew Murrison (Westbury) (Con): It is sometimes surprising what one picks up while waiting for the next business. I listened carefully to the hon. Member for Birmingham, Yardley (John Hemming), and read the letter printed in yesterday's *Hansard* and studied it carefully. Of course the motion is correct, and the matter should be considered properly, but it surely relates to what is said in this House. We must be free to discuss things in the House without fear or favour, but that does not relieve us of our responsibility to be extremely careful in what we say outside this place. I have to say from years of bitter experience that the Liberal Democrats are particularly adept at putting out material of a doubtful nature. This case might serve as a lesson to them that they should be more circumspect.

1.10 pm

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I do not want to get involved with the facts of the case; I simply want to get involved with the issue that Parliament and Members of Parliament should have the absolute right, as set down in the 1688 Bill of Rights, to say what they like in this House. It is a fundamental right that was restated by Lord Denning in the 1970s when he said:

"whatever comments are made in Parliament"

can be reported in newspapers without fear of contempt.

As the hon. Member for Somerton and Frome (Mr. Heath) has said, this is the second case in two months. We had the Trafigura case, in which a wide injunction was sought against persons unknown and the solicitors Messrs. Carter-Ruck sought to use that to prevent *The Guardian* from even reporting a written parliamentary question tabled by the hon. Member for Newcastle-under-Lyme (Paul Farrelly). I was at a table the very night of that incident with four QCs, and they were extremely worried about the operation of the law in attempting to gag Parliament in that way.

As I say, I do not wish to get involved with the facts of the case, but I shall quote what I consider to be the important part of it. It asks for:

"an undertaking not to repeat the allegations or any similar allegations particularly in Parliament."

If those solicitors said that, I as a Member of Parliament consider that a breach of privilege, and I hope that the House will vote for the matter to be considered by the Standards and Privileges Committee.

In 17 years in the House I have used privilege only once, and with great care, and it had the desired effect of getting the matter resolved. I believe that the vast majority of Members of Parliament respect that privilege and use it sparingly, only when it is absolutely necessary. The other part of that privilege is that we should not infringe the judiciary's privilege when matters are sub judice. If matters are sub judice, the House has no remit to examine them, but it is clear to me that the privilege of the House to report matters without fear of being in contempt of court must remain absolute. I hope that this short debate will demonstrate that in true measure.

1.13 pm

John Hemming: With the leave of the House, I should like to respond to the points made.

Freedom of speech in the House is the freedom to speak on behalf of our constituents. This case is about the residents of 118 flats in Bakeman House—senior citizens in a vulnerable situation who, through the actions of one man, a Mr. Jeremy Knight-Adams, have to live on a building site. That is wrong. To that extent, I am pleased that hon. Members support maintenance of freedom of speech on behalf of the people of the UK.

Question put and agreed to.

Ordered,

That the matter be referred to the Committee on Standards and Privileges.

Afghanistan

Topical debate

1.14 pm

The Secretary of State for Foreign and Commonwealth Affairs (David Miliband): I am pleased to be able to open this relatively short debate on the situation in Afghanistan. It is just two months since our last discussion of the Afghan campaign. Since the debate on 23 November, the conflict in Afghanistan has taken the lives of 11 more British soldiers, and this weekend right hon. and hon. Members will have seen reports of the death of the first British journalist—Rupert Hamer of the *Sunday Mirror*. These casualties, as the Prime Minister, the Leader of the Opposition and the leader of the Liberal Democrats said at Prime Minister's questions yesterday, underline the courage and bravery not just of our servicemen and women, diplomats and aid workers, but of everyone on duty in Afghanistan. On behalf of the Government, I want to pay tribute to the fallen, and to the loved ones left behind.

The rationale for the mission in Afghanistan remains to ensure that that country never again becomes an incubator of al-Qaeda and international terrorism. Although in the last few weeks it is al-Qaeda in the Arabian Peninsula that has dominated the headlines, after the Detroit incident, the mountainous border region between Afghanistan and Pakistan remains the incubator of choice for international terrorist groups and poses the greatest threat to our security here in the UK.

Over the course of the past 12 months, it has become increasingly clear that the insurgency is strong and, in places, deeply rooted. With some success it has adapted its tactics, turning to asymmetric warfare and laying improvised explosive devices, often with deadly effect. However, it was striking that last week's BBC-ABC opinion poll of 1,500 Afghans across all 34 provinces showed that 70 per cent. of Afghans now feel that their country is heading in the right direction—up from 40 per cent. last year and the highest figure since 2005. A similar proportion—71 per cent.—say they expect things to be better a year from now, which is up 20 per cent. on last year. I will come on to some of the other findings, not least those on corruption, which suggest the areas where the Afghan population want to see change.

Security, governance and regional support are the key to Afghanistan's future. Last year saw notable developments in all three areas. First, we had the reinvigoration of the military strategy. Since his arrival in July, General McChrystal has rightly refocused international efforts on population security, and made the development of the Afghan national security forces a top priority—including through intensive partnering and mentoring. On 1 December President Obama promised an additional 30,000 troops to help General McChrystal to implement this strategy. Following on the heels of the 21,000 US troops and trainers deployed earlier in the year, this represents a very significant increase. And with other international security assistance force countries—including the UK—together providing a further 7,500 soldiers, it will markedly improve the density of international forces in the key provinces in southern Afghanistan and elsewhere.

Secondly, President Karzai set out at the end of November a clear and ambitious five-point agenda to set his country back on a path to peace and stability. Thirdly, the launch of the Pakistani offensive in the federally administered tribal area means we now have mutually reinforcing strategies on both sides of the Durand line. The insurgents have been pushed out of the Swat valley, Buner and Lower Dir. The military operations are now focused on the federally administered tribal area itself, notably in south Waziristan. Although the military have taken heavy casualties and many thousands of civilians have been displaced, public support for these operations is holding strongly. With 3,000 people killed in terrorist attacks last year, the Pakistani people have every reason to support these military operations.

Mr. Philip Hollobone (Kettering) (Con): Pakistani intervention on its own side of the Durand line has made a huge difference. How much confidence does the Foreign Secretary have that the Pakistanis will maintain the pressure throughout this year and next?

David Miliband: This is an issue that I discussed in Pakistan with its leaders last weekend. The Pakistani perspective has been changed significantly by the events of the past nine to 12 months. The prospect of the Taliban 70 km from Islamabad, which was the headline not just in the international newspapers but across the Pakistani newspapers last year, was a chilling explanation of the threat that domestic terrorism poses to Pakistan.

I believe that there is a strong commitment in the Government and the armed forces to take on the campaign against those terrorist groups who threaten Pakistan. However, I counsel two things. First, a military campaign on its own will not undo the political and economic underdevelopment, notably in the FATA. As I have reminded the House before, those agencies still operate under the Frontier Crimes Regulation 1903 and political parties are banned. Secondly, the Pakistani authorities need international help, as I shall say a bit later, in a range of areas.

This year will also revolve around these three issues: security, governance and development, and regional support. That brings me to the Afghanistan conference that will take place here in London in two weeks' time. The conference will be co-chaired by me, my Afghan counterpart, with whom I spoke this morning, and the United Nations Secretary-General's special representative, Kai Eide. Invitations have been extended to the Foreign Ministers of all ISAF partner countries, Afghanistan's immediate neighbours and the key regional players, as well as representatives of NATO, the UN, the European Union and other international organisations, including the World Bank.

As the Prime Minister explained when he announced the conference on 28 November, the aim is

> "to match the increase in military forces with an increased political momentum, to focus the international community on a clear set of priorities across the 43-nation coalition and marshal the maximum international effort to help the Afghan government deliver."

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): The Foreign Secretary said that Afghanistan's immediate neighbours have all been invited. Can he confirm whether Iran has been invited; and if so, at what level it will be represented?

David Miliband: I am very happy to do so. The Iranian Foreign Minister was invited, along with all the other Foreign Ministers who were invited, to attend the conference. We have not yet had confirmation from the Iranian authorities of the level at which they expect to be represented.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): Does the Foreign Secretary expect the Afghan Government and, in particular, the Afghan Cabinet to have been approved and to be in place by the time of the conference?

David Miliband: I very much hope so.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con) *rose—*

David Miliband: I hope that I get some credit on the clock for these interventions, because it does not seem to have been adjusted following the last one. [HON. MEMBERS: "It was."] The one opposite me was not, actually.

Mr. Vara: The Foreign Secretary is most generous, and I shall be brief. Will he assure me that he will use the conference as an opportunity to encourage the majority of our coalition partners to do more in the effort against the Taliban in Afghanistan? Although a small number of coalition countries are being active and helpful, the vast majority could do more, particularly on the provision of front-line forces.

David Miliband: We certainly want the burden to be shared as widely as possible, and the hon. Gentleman makes an important point. My own sense is that the clarity of the strategy that is now available makes it far easier for countries to explain to their own people why they need to increase their deployments, whether military or civilian. The response of the NATO countries after President Obama's speech was some indication of that.

Mr. Edward Davey (Kingston and Surbiton) (LD): Will the Foreign Secretary give way?

David Miliband: No, I am sorry. The hon. Gentleman is going to make his own speech anyway, so he should contain his enthusiasm.

The basis of the political strategy can be simply stated The insurgency is not a monolith; it comprises many different groups that have, to a greater or lesser extent, co-opted foreign fighters, local tribes, those involved in the drug trade and mercenary foot soldiers who are paid as little as $10 a day. It relies heavily on the support or acquiescence of ordinary citizens, most of whom despise the Taliban but fear reprisal attacks if they resist. The fluid nature of the insurgency makes it resilient, and we know that the different groups feed off and support each other, but with the right political strategy, and the right balance of military muscle and political outreach, we can exploit those divisions.

Andrew George (St. Ives) (LD): Will the Foreign Secretary give way?

David Miliband: No, I am sorry. Let me see how far I can get before the guillotine comes down on my neck.

The London conference will therefore focus on upgrading the international effort in three key areas: security, governance and development, and regional relations. First, on security, if we want Afghans to resist insurgent threats and bribery, we need them to believe that when international troops draw down, it will be the Afghan authorities, not the Taliban, who prevail. So the conference will focus on how international forces can help to mentor, partner and develop the Afghan national security forces.

ISAF has already trained and equipped 96,000 members of the Afghan national army, and the Afghan national police are also about 90,000 strong. The conference will also consider how the respective roles of the international and Afghan forces should evolve over time. As the Afghan security forces grow and develop, they will need gradually to assume, district by district and province by province, lead responsibility for security. We also hope that the conference includes announcements about the international community's willingness to fund an Afghan-led reintegration programme, so the Afghan Government need a serious reintegration offer for those who want a route out of violence and back into normal Afghan life.

The second priority for the London conference is governance and development. With the Taliban appointing shadow governors and installing courts to deliver their swift but brutal brand of "justice", the Afghan authorities need to guard against being not just out-gunned but out-governed. Nationally, the Afghan Government must respond by tackling corruption. In the BBC-ABC opinion poll that I mentioned, 95 per cent. of those surveyed said that corruption within the police or Government was a problem in their area. We hope that the London conference will help to support concrete steps by the Afghan authorities to improve transparency and accountability.

Mr. John Baron (Billericay) (Con): Will the Foreign Secretary give way briefly?

David Miliband: Okay.

Mr. Baron: On that first objective, given that it will still take a long time to bring the Afghan security forces up to speed, will the Foreign Secretary address the central concern that in Helmand province, for example, the Americans will have twice the number of troops but cover only one third of the population? When it comes to counter-insurgency, does he agree that that ratio needs to be re-examined?

David Miliband: I very much welcome the fact that we are now talking about a coalition effort throughout the south, including in Helmand. I have seen in some newspapers—it is worth putting this on the record—talk of British troops "ceding ground" to the Americans or "retreating" to allow Americans to take over.

Dr. Liam Fox (Woodspring) (Con): That is nonsense.

David Miliband: That, frankly, is nonsense, I agree. In fact, I wish that I had been able to say that before the hon. Gentleman popped it out of his mouth! That's my line—that it is nonsense. How many years have we been saying in this House that we want greater burden sharing and to ensure the proper deployment of forces according to need? I know that General McChrystal very closely scrutinises force densities not just in Helmand province but throughout the country. When I was in Afghanistan in November, I spent the day with him and his team, looking at precisely where, throughout Afghanistan, the greatest deployment of forces was needed, and at how the force densities in the key provinces match the best of counter-insurgency doctrine.

Without going into any operational matters, I assure the hon. Member for Billericay (Mr. Baron) that the appropriate force densities are kept under very close review. The US forces' commitment to support the British effort in Helmand province is already making a difference, and I think that it will continue to make a difference.

Mr. Davey: Will the Foreign Secretary give way?

David Miliband: Okay, but this is the last intervention.

Andrew George: Has there been an honest assessment of what the country would look like if the military forces were not there? Is the international military presence not a draw—a focus, an encouragement—for the insurgents and jihadists?

David Miliband: I do not know whether the hon. Gentleman means in Helmand province or in Afghanistan more generally.

Andrew George: I mean in Helmand province, in particular, which is very much the focus of the action.

David Miliband: The hon. Gentleman will know that the significance of Helmand province is, in many ways, its relationship with Kandahar. That is why it is very important to see the provinces not just as separate islands but as part of a whole. I do not buy the overall argument that international terrorism is being drawn into southern Afghanistan only because international forces are there. After all, we are there only because Afghanistan was used in the 1990s and early 2000s as the base for international terrorism.

However, the hon. Gentleman is absolutely right—I hope that the whole House can unite on this point—that we must in word and deed, give no succour to the suggestion that we are trying to create a colony in southern Afghanistan, or anywhere else. It is a pernicious lie that is told to people there, and it is dangerous to us and to our troops because it compromises their work. The suggestion that we are trying to create a colony is certainly part of the jihadi narrative, but it is untrue. The emphasis that we are putting on the transition of lead responsibility to competent Afghan authorities gives the lie to that allegation, but we must carry the process through.

Arguably, the most important reform is to build up structures of local governance to ensure the basic delivery of services, including representation of the people, and those structures will be informal as well as formal. Deciding Afghanistan's internal structures must be a matter for Afghans, but the international community must stand ready to help, and President Karzai's suggestion of a Loya Jirga, a gathering of regional leaders and tribal chiefs, might be an important step in the right direction.

With respect to economic development, it is clear that only by increasing the training and job opportunities for Afghan people can the Afghan Government tackle poverty and provide credible alternatives to the drugs trade and insurgency. The rise in legal agricultural production over the past two years, with the rising price of wheat and the wheat seed distribution programme, is an interesting indicator of how the Afghan people respond to opportunities for economic development.

The third element in weakening the insurgency is a new relationship between Afghanistan and its neighbours. Building trust is critical to unlocking a more positive dynamic. We hope that by bringing together the key players in London we will build on existing dialogues and possibly enable progress towards a more systematic approach. In that context, we very much welcome the Turkish announcement on Tuesday that its Foreign Minister will convene a meeting of Afghanistan's neighbours to develop ideas for regional co-operation.

Of course, Pakistan is the neighbour with the greatest influence, which is why I visited it last weekend. Its long-term stability demands that we lift our sights above the current military campaign and provide support across a range of aspects of economic and political life. That is why I commend recent EU-Pakistan initiatives such as the UK-Pakistan education taskforce. When 45 per cent. of primary-age students do not attend school, and even those who do struggle to acquire even the most basic skills, there is a desperate need for education reform.

Last year was one of terrible loss for the UK armed forces in Afghanistan. I know that many right hon. and hon. Members have constituents with their own, very tragic stories, but the safety of UK citizens from international terrorist attacks depends on the valour of our soldiers. It also depends on the effectiveness of the Afghan Government and the effort of the international community. The London conference will help us to ensure that we have the partnership we need.

1.31 pm

Dr. Liam Fox (Woodspring) (Con): We very much welcome this short debate on this extraordinarily important subject. Let me begin by fully associating myself and my colleagues with what the Foreign Secretary said about the sacrifices of our armed forces, 247 of whom have been killed in Afghanistan since 2001. All of us in public life in the United Kingdom should be humbled by the willingness of our armed forces to make sacrifices on behalf of the security of the people of our country.

I pay tribute, too, to the work of our international partners in Afghanistan, particularly the Estonians and the Danes in Task Force Helmand, for the tremendous contribution that they have made. Very often, some of the smaller nations that contribute to the coalition are overlooked, and it is right that the House pays tribute to them. It is also right that we pay tribute to the civilians who are giving support to our armed forces, including those from many of our defence companies who provide support for the equipment that is necessary to carry out our role in Afghanistan.

Finally, it is only correct that we recognise the role of service families and the continuing price that they pay for what our armed forces are doing in terms of the effort in Afghanistan.

[Dr. Liam Fox]

We find ourselves at a crossroads in Afghanistan. We have a new strategy—a counter-insurgency strategy based around protecting the people of Afghanistan to deny the insurgents the centre of gravity. I think that that is the right strategy. We have a renewed international focus and vast numbers of troops and equipment, primarily American, pouring into theatre. There is evidence to suggest that President Karzai recognises the importance of tackling corruption, and there is, finally, an understanding that delivering good local governance will provide enduring stability and security in Afghanistan. This all looks very promising—but all of us in the House would recognise that we do not wish to raise unrealistic expectations about the time scale in which progress can be made.

The Foreign Secretary was right to begin by reminding the House of why we are in Afghanistan. There is only one justification for sending our armed forces into combat—because we believe that we are facing a national security imperative. It was essential that we denied to al-Qaeda the space that was being used to train and prepare for terrorist atrocities, and we largely dealt with that threat very early on. But there is a wider reason for being there—a geopolitical reason of regional stability. We cannot allow the contamination and destabilisation of Pakistan—a much larger and more important regional player, and a nuclear power to boot. It is correct that we remind the British public of the wider reasons why we are there, and see it in a proper geopolitical perspective. It is essential for us to do that in order to maintain public support.

We must also remind our public about what the cost of failure would be were we prematurely to leave Afghanistan. Were we to be forced out, for one reason or another, on a timetable not of our own making, that would, as the Foreign Secretary suggested, be a shot in the arm for every jihadist globally, because it would send out the signal that we did not have the moral fortitude to see through what we believed to be a matter of our own national security—something that the Minister for the Armed Forces dealt with in his recent speech, which I commend. The impact of such a situation would be felt beyond the Hindu Kush and the Durand line: it would extend across the region into the middle east and north Africa in one direction, and south-east Asia in the other. We do not find ourselves in an easy situation in Afghanistan, but to leave prematurely without achieving our objectives would have far greater costs that would run many years into the future. We should be under no illusions: if we are not successful in Afghanistan, that will fuel latent fundamentalist sentiment in this country, as well as in others, and diminish our national security. The other reason we need to be successful is that if we are unsuccessful, that would suggest that NATO, in its first major challenge overseas, did not have what it takes to see through a very difficult challenge. That would be divisive and damaging for NATO's credibility and cohesion.

If we can describe failure, how can we describe what success looks like? I believe that there is a clear consensus that success in Afghanistan will be achieved when we have a stable enough Afghanistan that is able to manage its own internal and external security to a degree that stops interference from outside powers and allows the country to resist the re-establishment of terror bases of the sort that the Foreign Secretary talked about. Those who are critical of policy in Afghanistan will say, "We'll never wipe out al-Qaeda", or, "We'll never wipe out the mindset that leads to this fundamentalist, violent behaviour." Of course we will not be able to wipe it out, but we will be able to contain it. We are talking about degrading the ability of those forces to a degree that they can be managed by the Pakistani and Afghan forces themselves without a need for wider coalition efforts. It is correct that we set that in its context. We are not trying to achieve the unachievable, but setting ourselves realistic aims. I believe that the goal of security is achievable, and that therefore our mission in Afghanistan is winnable.

As I said, we have a new security strategy. In a population-centric counter-insurgency, success is defined by how many people are secure, not by how many insurgents are killed. That is, to some, a rather subtle change in how we describe the mission, but it is extraordinarily important. Eighty per cent. of the population in Afghanistan live in the rural areas, not the cities. Only 5.1 per cent. of the population in Afghanistan live in Helmand, and only 4 per cent. live in the British area of responsibility in Helmand. I say that because there is a great temptation in our media and those who comment on these things to read Afghanistan and Helmand as being synonymous. We are part of a greater coalition effort, and we need to see Afghanistan and what we are doing there in the round.

For the past three and a half years, British forces have performed superbly and gallantly in the face of a very determined Taliban insurgency. We have seen an increase in the number of British troops, and we are now seeing a greater increase in coalition numbers and a very welcome increase in numbers in the Afghan national army.

Ann Winterton (Congleton) (Con): As the ethnic makeup of the Afghan national army is moving in the opposite direction to the 2003 guidelines, might the Pashtuns resent Tajik control over the country's security?

Dr. Fox: My hon. Friend makes an extremely useful point. That is an argument for getting wider and better coverage of all the ethnic groups in Afghanistan within the Afghan national security forces—a task that the Government of Afghanistan need to turn their mind to.

As I said, counter-insurgency is about protecting the population. It requires a better force-to-population ratio than we currently have in Helmand province; that is why the expected uplift in troop numbers is so welcome. As my hon. Friend the Member for Billericay (Mr. Baron) noted, Britain is currently responsible for two thirds of the population in Helmand and 50 per cent. of the terrain, but with only one third of coalition troop strength. There needs to be a rebalancing between the UK and US areas of responsibility, even if that might mean concentrating Task Force Helmand's assets into a smaller geographical area in central Helmand. It is very important that the British public understand that this is not the same as what happened in Basra. It is not a case of our handing territory over to the United States—it is about having a better match between our capability and our resources. The Foreign Secretary was correct that those who make such arguments are in fact talking nonsense.

The most important question for us to answer as politicians—it is very often thrown at us—is this: what is different about Afghanistan now that would lead us to believe that we can be successful, when, as those who are against the war in Afghanistan always say, the Russians were unsuccessful? There are a number of fundamental differences in what is happening in Afghanistan today. First, we are there supporting a democratic Government in Afghanistan, not trying to apply a regime to it. Secondly, the development of the Afghan national security forces is coming on apace—faster than many people thought possible—which is a great tribute not least to the British trainers involved in the process.

Thirdly, there is the regional emergence of China. When we look at what China is doing in Afghanistan on contracts for copper, it becomes possible to see Afghanistan becoming a net contributor to the global economy if it is given a sufficient period of stability. Fourthly, the advent of globalisation, with the ability of Afghanistan to export products—largely agricultural products—to its neighbours also provides the chance for prosperity and stability through economic development in a way that was not possible before. Fifthly, something else that is not fully appreciated is the fact that there is a large Afghan diaspora, who would have many of the skills for improving governance and professional services, but they need to be given sufficient time to settle down and graft their skills in.

We must avoid taking the defeatist view that we cannot succeed in Afghanistan. Many indicators suggest that we are actually making considerable progress and that there is considerable scope to give the people of Afghanistan the prosperity and security that they want, so that we can have the security that we want.

1.41 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): May I join the Foreign Secretary and the hon. Member for Woodspring (Dr. Fox) in expressing deep gratitude and admiration for all those who have paid with their lives in the conflict in Afghanistan on behalf of this country and their families? We also remember all those who have been wounded—some extremely seriously—in that conflict. I join the Foreign Secretary in paying tribute to journalists, and civilian and non-governmental organisation workers, who are also under threat. Some have lost their lives, most recently the journalist Rupert Hamer.

We need to spend more time debating Afghanistan in the House. I think we will see an increasing amount of consensus on this subject, particularly following the changes in strategy towards the end of last year. The Government are increasingly emphasising the need for a political strategy to go alongside the military strategy at international, national and local levels. That is extremely welcome. The Foreign Secretary was right to point out a number of strong, positive developments in recent months. Although some have been cynical in reacting to the opinion poll we saw, I think it is very positive. It was the latest of a series of polls that have been run for more than six years, asking the same questions, so it has a degree of strength and credibility, and a foundation, and it points in the right direction.

There has been a reduction in civilian deaths following the introduction of new strategies by General Stanley McChrystal. That is critical to winning hearts and minds. Most civilian deaths are caused now by Taliban insurgents. The efforts of the Pakistani Government are particularly welcome. Let us hope—the signs are positive—that those will be sustained.

The announcement that Turkey is to hold the two conferences—the trilateral conference and the wider international conference—is welcome, and I hope the Minister can confirm that China and Iran have agreed to go and talk to Turkey at those conferences. Hopefully, they will assist the preparation for the London conference so that that can be as successful as possible. We have also had reports of successes in the implementation of the counter-insurgency strategy in different Afghan provinces. It is a very early stage, but the reports are positive.

We should have no illusions: the task is tremendously difficult. As we look ahead and try to push and question the Government to ensure their policy is as good as possible, we need to recognise some aspects of the challenges that perhaps we have not focused on enough. We seem to have a lack of knowledge about the Taliban in their many guises, and about Afghan culture across the many different areas of Afghanistan. We need to do more work and to spend more time on that to ensure that it can feed in to the political strategy, so that we are extremely well informed and so that we can play our part as a true partner to the Afghan authorities. That is why some of us are very worried by the report from the think-tank, the Centre for a New American Security, by Major General Michael Flynn earlier this year. He talked about the shortcomings in American intelligence, and said that US intelligence in Afghanistan was still

> "unable to answer fundamental questions about the environment in which US and allied forces operate and the people they are trying to protect and persuade".

We need to improve the quality of intelligence. That is absolutely critical.

I wonder how well prepared we are for a rich political strategy in understanding how the Taliban respond to the new counter-insurgency. We have reports of a number of assassinations of tribal leaders, commanders and elders who are not linked to the Taliban—they have doubled to nine a week recently, according to some sources. The intimidation of people who might be susceptible to switching sides and playing a key role in reintegrating Taliban people and local people into the mainstream of Afghan politics needs to be understood and dealt with as quickly as possible.

In the short time that remains to me, I shall ask the Minister a few questions. Have India, Russia and Saudi Arabia been invited to the conferences in Istanbul and London? Have they responded positively? I believe their role is critical. Has the successor for Kai Eide finally been decided? There are reports that the Swedish diplomat Stefan Di Mistura is being considered, but when will an announcement be made? Can Kai Eide's successor play a role in London and begin to meet some of the key players? What is the Government's position on the possibility of parliamentary and district council elections this year? Are they going to go ahead and are we supportive, or do we think that a Loya Jirga or other proposals, some of which come from President Karzai, the best approach?

On a practical matter, the Foreign Secretary spoke of the importance of training the Afghan national police, but I do not believe the EU has done enough to get

[Mr. Edward Davey]

enough police trainers out there. It is good that the German Foreign Minister Guido Westerwelle is emphasising that, but can the Government push it too? Finally, President Karzai is coming to London. The London conference is important for putting pressure on him, but the international community and the people of Afghanistan need to ensure that he is living up to his promises. I hope the Government and the American Government continue to put pressure on him, because his role in bringing the conflict to an end is critical.

1.47 pm

Mr. Denis MacShane (Rotherham) (Lab): I listened with great interest to all three speeches and agreed very much with what was in them. I have been to Afghanistan once. I must tell my right hon. Friend the Foreign Secretary and Defence Ministers that after 1945, some 200 US congressional delegations visited Germany to talk to General Lucius Clay, who was, as it were, the commanding officer in charge of Germany on behalf of the allies in that period. As a result, there was strong support in the American Congress for the continuation of a policy that previously would have run against American views that, on the whole, one should not get involved in foreign entanglements.

I have not found a great deal of enthusiasm and support from the Ministry of Defence or the Foreign Office for visits to Afghanistan, other than those, appropriately, for Select Committees. However, I think it would be helpful if many more Members of the House went there. When I went with a NATO delegation to visit Pakistan, I took the opportunity to go to Kabul to meet people and inform myself, but I had to pay for my own trip—more accurately, the Foreign Office paid for the £200 flight on a UN plane, then spent six months asking me for the money back. I am not sure whether that was a claimable expense, but I paid it from my own pocket. Therefore, please will the Foreign Secretary involve the House in the matter of Afghanistan, because every Wednesday since June 2003, the Prime Minister and the leaders of the Opposition parties have had to pay tribute to the men who have fallen in Iraq and now, increasingly, in Afghanistan? The tributes certainly represent what the House and the nation think of those brave sacrifices, but I sometimes question whether the nation will accept those sacrifices, year after year, from our rather small professional Army. The reasons we are in Afghanistan were set out eloquently by the shadow Secretary of State for Defence, and the nation needs to know those reasons. Visiting Afghanistan can help with that.

We also need a sense of history. Afghanistan is presented as a zone of permanent turbulence and violence. In fact, for most of the last 200 years, Afghanistan has been at peace, although yes, it has been poor and underdeveloped. When I was a student at university, Afghanistan was where all the hippies went to buy their Afghan coats, among other things. In the early 1970s, a Marks & Spencer was opened in Kabul. Where Marks & Spencer operates, civilisation often follows. I am not suggesting that it should be a goal of foreign policy to get Marks & Spencer to reopen in Kabul and other Afghan cities, but we should acknowledge that the present conflict is the result of a particular confluence of political decisions emanating from outside Afghanistan.

Those decisions include the desire to launch jihad, supported by the US and Great Britain, in the 1980s, and the provision of Stinger missiles, paid for by the Saudis and built by the Americans, to the jihadis. We created a monster and were then surprised that, after the Soviets had been driven out of Afghanistan, the monster did not quietly evaporate into thin air. We ignored Afghanistan after 1987 for many years, allowing it to become the incubator and supporter of the Taliban, with the consequence that they gave shelter to Osama bin Laden, which led to the planning of the 9/11 attack.

After 9/11, the reasonable criticism can be made that we took our focus away from Afghanistan and walked down the road to Iraq. I shall not enter into that debate now, but we should be conscious that more British soldiers have died in what one might call President Obama's war in Afghanistan than in President George W. Bush's war in Iraq. The failure, twice in the last 20 years, to focus due political and strategic attention on Afghanistan has cost us dear.

I would like to see some unity of command. I referred to General Lucius Clay earlier. He was an engineer and builder, not a fighting general, and he was the supreme governor of Germany in the immediate post-war period until German political institutions were able to get back on their feet. I have no idea who runs Afghanistan. I have no idea which Government department is in charge. Who can give orders to whom? When I was there, there were three different European Union offices—*[Interruption.]* The hon. Member for New Forest, East (Dr. Lewis) says that that is no surprise, but there are five or six British offices each thinking that they are doing the British Government's work, and I question the level of co-ordination. We know that efforts were made to engage the services of Lord Ashdown. I would have welcomed that, but it was rejected by President Karzai. Do we have efficient joined-up government in Afghanistan?

Those on the Opposition Front Bench say that by creating a so-called War Cabinet they would focus attention on Afghanistan. I politely suggest that they should find a word other than "war" to use. We are winning battle after battle: when British troops take on the Taliban face to face, there is only one winner, despite the sad sacrifices that are made. But the notion that we will win a war in Afghanistan commands no serious support anywhere, even among those who support our presence there. If the Opposition create a War Cabinet, they may be asking it to achieve the unachievable. Surely we should be thinking more of containment than of confrontation—I think that the shadow Secretary of State made that point. We should see this in the context of what happened after the second world war, when there was a sense among some that we could confront, take on and roll back ideologies that were oppressive and opposed to our way of life, not to mention supporting military and violent action against western interests all over the world. But wiser heads prevailed, and we adopted a philosophy of containment rather than military destruction.

I continually wonder why the British are taking more casualties—in proportion to the number of troops present—than any other nation save Canada, and incidentally I pay tribute to the Canadian troops too. I regret that the Conservative Canadian Government have set a deadline for pulling their troops out, but I doubt that if a Liberal Administration were to be elected next year, there would be any change in policy. I am not a military expert, but I wonder why it is necessary for so many British servicemen to fall in action or to come home with hideous and life-crippling wounds. We may have to ask our military whether they have got their strategy quite right.

There has been much talk about Pakistan and the solution to Afghanistan. In part, I accept that Pakistan must be involved, but there will be no solution in Pakistan until India changes its strategic approach in the area. According to a report in *Le Monde* on 8 January, *The Times of India* reported a secret conclave of the Indian general staff at Simla in December, at which they discussed the double-front strategy—an assault on both China and Pakistan. General Kapoor, the Indian chief of staff, has talked about a limited military attack on Pakistan, but it is beyond belief that a fellow Commonwealth country and nuclear-armed power—and a democracy to boot—can be talking about a military assault or invasion on Pakistan, when we need Pakistan to focus on Afghanistan.

Mr. Brooks Newmark (Braintree) (Con): Does the right hon. Gentleman share my concern that the Pakistani intelligence service, the ISI, is perhaps not playing as constructive a role as it could in respect of Afghanistan, especially given its alleged support of the Taliban in many places?

Mr. MacShane: There is no doubt that the ISI was the godfather—if not the mother and father—of the Taliban back in the 1990s, and after 1987, because the international community failed to fill the vacuum left by the Soviets. I agree, but of course in 1989 democracy was suspended in Kashmir, and 500,000 Indian troops moved in. Since then, between 50,000 and 70,000 people have been killed in probably the biggest bloodbath of Muslims in recent times under the Indian army occupation. Some of that was in response to Pakistan-initiated terrorism—the horrible explosions at Srinagar and elsewhere—but India is not even on the way to finding a political solution to the problem of Kashmir, and it is under pressure given the Bombay massacres and other issues. When the Pakistani army faces on its eastern flank an army of up to 500,000, national security demands that it put the bulk—80 per cent.—of its armed forces there. We would like as many Pakistani soldiers as possible on the north-western front to sort out the insurgency there and to end the protected area for the Pakistani Taliban, al-Qaeda and the people moving across to cause trouble in Afghanistan.

As long as India refuses to talk or to find a political and peaceful solution—I am not talking about any transfer of sovereignty, but about finding a way forward. India is by far the biggest country in that region—of course, Pakistan should do a lot more. However, we must be careful not to typecast Pakistan as somehow an Afghanistan in waiting. I am utterly appalled at the ugly, invented acronym, "Afpak", that Richard Holbrooke used at the Munich security conference last year, as though Afghanistan and Pakistan are one combined problem. It is a racist, unpleasant acronym, and I am glad to say that I know, from recent visits to Washington and from talking to senior officials from both the State and Defence Departments, that they do not use it any more. We need to involve India more in finding a regional solution.

I welcome the Turkish conference that has been mentioned. Frankly, we have to try to tease out our worries about Iran and its potential possession of nuclear weapons. I hope that on Iran at least there is some agreement that weapons of mass destruction are being planned for in that country. Most of Iran's drug problems stem from heroin being transported west towards Iran, just as most of China's drug problems stem from heroin coming east from Afghanistan. Both Pakistan and India suffer from serious drug problems, so all those big regional countries have an enormous stake in finding a solution to the Afghanistan situation.

We should try to understand that Pakistan has a vibrant press and a vibrant judiciary. They forced out General Musharraf when we were rolling out the red carpet for him. It is an imperfect democracy—*[Interruption.]* My right hon. Friend the Foreign Secretary, who is certainly the finest Foreign Secretary that we have got at the moment, and who does know where western Sahara is, has been in post for only a year or two, probably since General Musharraf departed.

David Miliband: No, I met him.

Mr. MacShane: I am sorry, my right hon. Friend met him, so they overlapped slightly. Prior to that, the leading Governments of the world—here and in Washington and elsewhere—were not paying enough heed to the people of Pakistan who were anxious to get rid of their unelected and authoritarian general.

Pakistan has a vibrant civil society and a very good, free and energetic press. It has a strong women's movement and a strong human rights movement. Yes, it is very poor, so the real answer is to improve Pakistan's economic and growth perspectives. I congratulate my right hon. Friend the Foreign Secretary on pushing the European Union hard to open a dialogue and to try to increase trade between Pakistan and the rest of Europe. That is certainly where we should focus some of our efforts with our Pakistani and Kashmiri diaspora, of whom I know many in my constituency. They are men and women of peace—there is a Sufi version of the strand or path of Islam—and they are as horrified as any of us by the language of jihad and fundamental Islamism.

We have to look again at the ideology that spurs on the Taliban and other extremists. That ideology is not of the Islam religion, which has the same respect as any other Abrahamic faith, but is a coherent world ideology of Islamism that is rooted in the Muslim brotherhood that was founded by Hassan al-Banna in the 1920s and that has developed steadily since. *[Interruption.]* I hear again complaints from Conservative Members about my discussing Islamism as an ideology, but it is precisely the failure to understand that ideology and to work out ideological and political ways of confronting and exposing it that have left western countries vulnerable.

Dr. Andrew Murrison (Westbury) (Con): In no way can the right hon. Gentleman interpret any chuntering that he might inadvertently have heard from Conservative Front Benchers as criticism of anybody's ideology. For his information, we were simply saying that we could be spared the history lesson, once again.

Mr. MacShane: Those who do not like history lessons often find themselves repeating the errors of history. Up to now, this has been a completely non-partisan debate,

[Mr. MacShane]

but after that Bourbon intervention from someone who has learned nothing and forgotten nothing—

Mr. Deputy Speaker (Sir Michael Lord): Order. The right hon. Gentleman is quite right that this has been a very reasonable debate so far. Perhaps we can keep it that way.

Mr. MacShane: I was talking about bourbon as a drink of course, Mr. Deputy Speaker.

What then do we have to do? We have to engage with the Muslim world and Muslim politicians much more strongly and seriously. We must try constantly to explain to them why any endorsement, however soft, of aspects of Islamism that lead to attacks on the universal values of human rights—whether those rights are freedom of expression, parliamentary democracy, the rule of law, the rights of men and women to be gay, or the right of women to control their own lives—feeds what is a cause of deep repression and oppression in Afghanistan. We have to find ways of engaging our British Pakistani and Kashmiri community. We have noble Lords, hon. Members of this House and many councillors who could play a leading role by talking in Pakistan, in Kashmir and to the community here about the need for a new approach from Britain that respects the faith of Islam but utterly rejects any ideological or violent expressions of it. The Taliban insist that they are giving expression to the ultimate implementation, as a political philosophy, of Islamism, and that they are obeying what the faith demands. That is a false line and we need to confront it.

I conclude by urging right hon. and hon. Members on both sides of the House to find ways of getting more MPs and other people to Afghanistan to understand the situation, and I urge that our Army chiefs be invited to consider using containment more and engaging in less confrontation. We need to reduce the casualty rate if the current support of the nation is to be sustained for a longer period. I urge that we should invite India to be part of the solution instead of being part of the problem by beating the drums of war, in Simla and New Delhi, against Pakistan. I urge that we use and harness our Pakistani British citizens to increase economic relations with Pakistan. We should set up effective structures using the Department for International Development, the Foreign Office, the Departments that deal with education and other Departments to find ways of explaining that what is happening in Afghanistan is a threat, not just to the region and not just in terms of providing incubators for terrorism in our country, but to everything that we should value if we want a peaceful and prosperous world.

2.7 pm

Mr. Andrew Robathan (Blaby) (Con): I was very interested in what the right hon. Member for Rotherham (Mr. MacShane) had to say. He made some interesting and important points, some of which were somewhat disjointed, if I may say so, and some of which were slightly rambling. May I pick him up on one point, on which I disagree with him? He accuses the Conservatives of being in some way perverse in wanting to have a War Cabinet, but he must ask himself what on earth is happening to young men in Afghanistan. They are in firefights the like of which have not been seen by the British Army for 50 years. As a former soldier, I would say that it is a war, and I think that most of those young men would also say that it is a war.

I welcome the debate. I am sorry that we are having it on a very quiet Thursday when people are rushing to get back to their snow-covered constituencies, and I hope that we will have more debates on this issue, because there is, as has been said, a terrible lack of knowledge and a lack of understanding about what is happening in Afghanistan, both here in the House of Commons and throughout the country. That is particularly worrying. I have no special insight into what is happening in Afghanistan, and I am certainly not an expert. Both Ministers and fellow Conservatives will be pleased to know that I am not going to put forward some absolutely fundamental, clever plan to solve the whole Afghanistan issue, because I do not have that insight.

However, I do know the area a little. I have been to Afghanistan often, and I have spent a couple of very enjoyable holidays trekking on the Afghan border in the most beautiful countryside imaginable, with charming people. I remember seeing, some 25 years ago, Massoud's mujaheddin streaming across border passes from Pakistan into Afghanistan, and some coming back on mules having had their legs blown off by Soviet butterfly mines. I have some slight understanding of the area, but that is all.

I also went there last year on a whistle-stop tour, and I thank the Ministry of Defence for laying that on, contrary to what the right hon. Member for Rotherham said. It was far too short a visit and we did not get out to the forward operating bases, but I came back with a clear view, not just from the briefing, of the medical evacuation plans that we had in place in Kandahar and in Bastion. It was valuable, albeit rather too short for my liking.

We also had a good briefing yesterday, again laid on by the MOD. I am grateful to the Secretary of State and others for that, because they are certainly trying to keep people abreast of what is happening. I am not sure that they are being entirely successful, but I cannot blame them entirely for that.

Those of us who know some history of the first and second Afghan wars know the traps that we allowed ourselves to be led into. The history of Afghanistan is not one of a united country. The right hon. Member for Rotherham referred to Afghanistan in the 1970s, when I, too, was young.

Mr. MacShane: A hippy?

Mr. Robathan: Never a hippy, no.

People came back from Kabul with those ghastly, smelly goatskin coats, which then sat in a cupboard and destroyed many student lodgings, as I remember. At the time, Kabul was a very civilised and beautiful city, and the King was moving towards a much more modern society, certainly in the urban area of Kabul although perhaps not in the rural areas. However, Afghanistan was never an entirely united country. As I understand it, it was always a fairly loose confederation, for want of a better word, of tribal areas. That is certainly what it appears to be now. I fear that in the constitution that has been created, assisted by the UN and others, we have perhaps tried to make Afghanistan into one centralised country. I do not have any great insight, but that seems to be turning into a difficulty. As has been mentioned already, it appears that the Pashtuns, who used to be called Pathans, resent other tribes lording it over them. I wonder whether we in Britain or in the UN can or indeed should aim to have a centralised Government in Kabul, as appears to be the case at the moment. It certainly does not seem to be working.

To stick with history, what was remarkable in the first and second Afghan wars was the way in which having foreigners in the country succeeded dramatically in uniting all the tribes against the foreign invader. I fear that we are seeing that problem to a certain extent now, which is why it is so important that the Afghans take over responsibility for law and order.

As we have seen both in history and recently, Afghanistan is a place of shifting loyalties. Loyalties are not laid down as we might think. People do not say, "My gosh, I'm an Afghan and I'm going to support the Afghan Government." That is self-evidently not the case, which was true in 1840 and has been subsequently, so we should be realistic about what can happen there.

I do not know whether hon. Members have read the autobiography of John Masters, who wrote "Bhowani Junction" and other books. It is called "Bugles and a Tiger", and I recommend it to everybody. Apart from anything else, it is a rattling good read. As an 18-year-old officer, he went out in command of a platoon of English troops to the North West Frontier, where in 1935 British troops were still being flayed alive by the Pathans—the Pashtuns—who did not see much of a border across the Durand line. It is worth remembering that that was in the lifetime of people who are around today. When we went into Afghanistan, we perhaps should have remembered the other half of the quotation about where angels fear to tread.

Finally on history, we can examine what the Soviets did. Of course it was a communist revolution that brought down the King and the Soviet invasion that led to the current chaos, destruction and poverty in Afghanistan.

Mr. Newmark: As my hon. Friend will know, I spent a week in Afghanistan at the end of November and had the opportunity to meet many Pashtuns, about whom he has been talking. Many feel incredibly alienated from the Government and from what is going on. They feel that they have no role in politics or in the army, which they view as a Tajik army. They view the leader, Karzai, as not really a Pashtun, though he is a Pashtun. Does my hon. Friend believe that we should be doing more to figure out ways to get the Pashtun community more engaged with what is going on in the country, so that they are not driven into the arms of the Taliban?

Mr. Robathan: As I said, I do not have a prescriptive solution, but my hon. Friend makes an excellent point from his own experience. Part of the reason why I wished to raised these matters was that I am not sure that the model of government in Afghanistan will work in the long term—I cannot say.

Ann Winterton: The points that have just been made are valid. We are currently in a delicate situation in Afghanistan, bearing in mind that when the Soviet regime left there was a civil war between the Pashtuns and the anti-Pashtun, Tajik-led forces. That is related to the ethnic tribal mix that my hon. Friend the Member for Braintree (Mr. Newmark) mentioned, which does not appear to be recognised adequately in the deliberations of the various organisations and countries involved in Afghanistan.

Mr. Robathan: I agree with my hon. Friend. Not just I, but the west, the United Nations and others should beware of too many prescriptive solutions.

Ann Winterton: That is not a prescriptive solution.

Mr. Robathan: No, but as far as possible we should let the Afghans determine for themselves how they wish to run things.

I was glad to hear the Foreign Secretary—in a speech in which, unusually, I disagreed with very little—discuss corruption and the fact that it has to be sorted out. Corruption is endemic in Afghanistan, and anyone who has travelled in the area knows the cries of "Baksheesh" along the streets. We should therefore not be surprised. It is difficult to defend British soldiers dying to defend a Government who are steeped in corruption, and that has to be sorted out.

I wish briefly to address three problems: whether the current strategy is working, the question of public support, which others have mentioned, and the long-term impact on our armed forces. As I recall, British and American troops invaded Afghanistan in late 2001. I naively believed that we might be able to establish a western-style democratic Government who would give women all the rights that they have in the UK, and I think I might have made some comments to that effect. Now, most people accept that it is a different country in more ways than one.

It was not until four years later that we deployed troops to Helmand. We have now been at work in Afghanistan for nine years, yet the war is not abating. Of course, the second world war was over in six years and the first world war—the war to end all wars, as I recall—was over in four. We need to consider that time frame, because it puts into context everything else that we are doing. I am not coming up with an answer; I am just putting the matter forward. I conclude that the strategy so far has not worked, but it might be getting better. I base that on reports from not just the Secretary of State or my hon. Friend the Member for Woodspring (Dr. Fox), who will be pleased to know that I did not disagree with a word of his speech, but from soldiers coming back from the front line to whom I have spoken and those who are there now. They say that things are changing and working. I am delighted to hear that. The US reinforcements, far from being something to be ashamed of, are a great boon, and I hope that they can help us to see the campaign to a finish some time in the foreseeable future.

There is a danger, as hinted at today, that we will not stick with the campaign. If we do not, however, we will send every message possible to jihadists everywhere that the west does not have the resolve to stay with it. However, that does not mean that Members of Parliament such as myself, and Opposition parties, should not be critical—in a positive way—or alert people to the problems being faced, without undermining the situation, I hope.

[Mr. Robathan]

It is self-evident that public support for the war is not growing; it needs to be bolstered and we need to send a more positive picture. The Foreign Secretary's remarks were very positive, as we need to be—without being complacent. Issues such as the planting of more wheat in Helmand are hugely important. People need to understand that there is a return to normality—or greater normality—and that, similarly, one can walk safely around some Helmand villages where a year or two ago one could not. I am not a great believer in spin, but I think that we need an exercise in public relations. I do not mean to be particularly critical, but so far that has not been working. We need to convince some media commentators that our cause is worth while, although that should not involve deception, I hasten to add.

The worst thing for public perception is the sight of the young men—and at least one woman, I think—returning in coffins. It is gutting beyond belief. I have never worn badges or wristbands, or anything like that except for Remembrance day poppies, but I wear a wristband now, because what is happening is so awful. How can we not be moved? My old battalion—the Coldstream Guards—is in Afghanistan at the moment. So far it has had only one fatality, and god willing there will be no more. Injuries have been referred to as well. Although this is all deeply depressing, the long-term effects on the armed forces are of greater concern. One such effect has been mentioned this week: 20 per cent. of infantry soldiers not being available for active service. I happen to know that the figure has always been surprisingly high, for all sorts of reasons, but I still think that that is an issue. Other particular issues are the long-term employment of injured soldiers—some will be multiple amputees—how they can be employed in the armed forces and what assistance they can be given subsequently.

I would like to address two further long-term impacts on the armed forces. First, public attitudes towards the armed forces have in many ways improved. I think of Wootton Bassett and parades through other towns—Leicester among them—in which the public turn out to express their support. That is very positive. Furthermore, as I understand it—the Minister will correct me, if I am wrong—recruitment has not fallen, although of course there is a recession. Part of the reason for that is that young men want adventure. We need to build on the fact that public attitudes have improved, and we should not be complacent. Nevertheless, things are not all negative.

The second, and perhaps more controversial, point concerns the long-term impact on the armed forces of the defence cuts announced on 15 December. Everybody in the House will understand that they are very serious cuts in our capabilities. I hope that we will not be in Afghanistan for ever, but we will be in need of our armed forces for the foreseeable future—certainly for all of my lifetime.

I shall not detain the House any longer. I welcome this debate, although I think that we should have a longer one in which more people can take part and on a less quiet day—if I may put it that way. I would like the Minister to address, although not in huge detail, some of the questions asked, including mine.

2.23 pm

Mr. Brooks Newmark (Braintree) (Con): I was not expecting to say anything today, but I would like to put on record my thanks to some of the organisations that I visited during my time in Afghanistan at the end of November. In particular, the work of the Department for International Development is extremely good. It is doing a great job in the midst of an active, hot war. Its work is excellent. One observation that I might make, however, is that in trying to encourage farmers—DFID is doing a lot of work on agriculture and agribusiness—it can be counter-productive to bring in seed from outside the area, for instance, when we should be trying to buy it from local farmers to encourage them to develop that aspect of agriculture.

The Aga Khan foundation is doing some fantastic work, helping in excess of 2.5 million people in Afghanistan right across the board. The health care work being done by Merlin in the north—in particular, its work to give women who have severe problems giving birth the medical support that they need to prevent more deaths—is also excellent.

The final group doing excellent work that I should like to mention is Turquoise Mountain. Anybody who has an opportunity to visit Kabul should go to see the excellent work that Turquoise Mountain is doing in one area of the old city, identifying craftsmen and people with tremendous skills from around the country and bringing them in to help rebuild that area, which has been completely devastated. I should also like to thank all the organisations out there that give money to organisations such as Merlin and Turquoise Mountain.

Mr. MacShane: Turquoise Mountain is connected to Rory Stewart, who hopes to enter this House as an hon. Member. However, as I understand it from reading his interesting books and articles, he is rather against the military presence and involvement in Afghanistan. Does the hon. Gentleman think that there will be a rethinking of policy on Afghanistan if Rory Stewart becomes a leading Conservative Member?

Mr. Newmark: Should he get in, Rory Stewart will bring a wealth of experience on Afghanistan. He, perhaps more than anybody, will be listened to. I have read his book and I hope that our Front-Bench team will want to engage with him to hear what he has to say. With his experience, he certainly brings an interesting perspective, and we should listen to what he has to say.

The work of Turquoise Mountain, in its £25 million project, is helping to rebuild part of the old city that has been destroyed by using local craftsmen. In addition, the project is bringing health care to that part of the city, as well as primary education, which is much needed by many in Kabul.

2.27 pm

The Minister of State, Ministry of Defence (Bill Rammell): I know that it is always customary to sum up by saying that we have had a good debate, but this time that has genuinely been the case. What has struck me most forcefully is the enormous degree of consensus across the House. That unity is insufficiently recognised in the wider public domain, particularly in the media. It could be that we are all wrong and misguided. However, I happen to think that MPs across the House, having looked at the issues in enormous detail, recognise the centrality of what is happening in Afghanistan to our safety and security. In the short time available, I want to respond to some of the points that have been made.

I agreed with a lot of what the hon. Member for Woodspring (Dr. Fox) said, particularly the tribute that he paid to the Estonians and the Danes, who are making an enormous contribution alongside us in Helmand. The fact that we are in an international coalition, with 44 nations currently taking part, is often under-recognised in the public debate. I also agreed with him about the impact on Pakistan and the importance of that country. I have no doubt whatever that were we precipitously to withdraw from Afghanistan before it was safe to do so, there would be a return of the Taliban and the al-Qaeda capability in Afghanistan, and a massive flow of refugees across the border into Pakistan, making that country—a country that, as the hon. Gentleman rightly pointed out, possesses nuclear weapons—more unstable. That underlines the risk that we face.

However, I would take issue with the hon. Gentleman's comments about British troops handing over Basra to the United States. We handed over responsibility to the Iraqi forces, which was the right thing to do in the circumstances. It was done through agreements and our troops made an enormous contribution.

Like me, the hon. Member for Kingston and Surbiton (Mr. Davey), who leads for the Liberal Democrats, underlined at the beginning of his contribution the increasing consensus on the issue across all parties in the House. That is welcome. He asked a number of specific questions about the London conference and the possible participation of China, Iran, India, Russia and Saudi Arabia. All have been invited, but not all have yet replied. It is certainly our hope that all those countries will take part.

The hon. Gentleman made a point about the lack of knowledge and understanding of the Taliban. Given the nature of the Taliban, and the fact that it is, in many senses, a secret organisation, that point has plausibility on one level. However, we are doing our level best to get a genuine understanding of the Taliban. We certainly need to understand more, particularly if we are to follow the process of political reconciliation being led by the Afghan Government, in which those elements of the Taliban who are prepared to renounce violence can become part of the solution, rather than being part of the problem.

Dr. Julian Lewis (New Forest, East) (Con): As our understanding of the attitudes of the Taliban is so important to this process, will the Minister share with the House any assessment the Government have made of the relationship between the Taliban and al-Qaeda, given that al-Qaeda brought about the downfall of the Taliban in the first place? Is there still an alliance between the two, or is there now a rift between them?

Bill Rammell: There certainly was an alliance between the Taliban and al-Qaeda; that was one of the principal reasons that we and our partners went into Afghanistan in 2001. My understanding is that such a relationship still exists. Were we precipitously to withdraw, the risk of that relationship re-establishing itself would be one of the biggest causes for concern.

The hon. Member for Kingston and Surbiton also asked me about elections. The district elections have been postponed, and there is still a decision to be made on the parliamentary elections.

My right hon. Friend the Member for Rotherham (Mr. MacShane) made an important contribution to the debate. He talked about the need for more Members of the House to have direct experience of the situation by visiting Afghanistan so that they may better understand and better articulate what is happening on the ground. That is a powerful point that we need to take on board, but there is one important caveat, which is that we must take account of the operational environment and the security considerations, and the impact that such visits could have on our troops. Nevertheless, he makes an important point, and I will certainly take his suggestion back to the Department and see what more we can do, in conjunction with the Foreign Office, to facilitate such visits.

My right hon. Friend asked which Government Department ran Afghanistan. I can tell him that there is intense, detailed co-operation across the three principal Departments concerned. People sometimes argue that there should be one lead Department, but, based on my seven and a half years' experience as a Minister, I believe that if we were to remove a direct lead responsibility from one Department, priority would no longer be given to its issues. That might be right or wrong, but it is the reality. That is why I believe that we are right to continue with separate Departments having specific responsibilities and focusing their efforts accordingly, while working co-operatively. There are regular meetings of the Ministerial Committee on National Security, International Relations and Development—NSID—to pull that work together, led by the Prime Minister.

The hon. Member for Blaby (Mr. Robathan) made an important contribution to the debate. He started by referring to his holiday experience in Afghanistan. I have to say that, at that point, I turned to my hon. Friend the Member for Leicester, South (Sir Peter Soulsby) and said that I had never had the hon. Gentleman down as a hippy. Later, he confirmed that he was most certainly not one, and that he clearly has a long understanding of these issues. He referred to the regular briefings that the Ministry of Defence is conducting, led by the military, and to the one that took place yesterday. Those briefings are driven by our desire to give as much information as possible about what is happening operationally on the ground, so that parliamentarians may be better able to explain the mission as it is taking place.

The hon. Gentleman questioned the governmental structure in Afghanistan, which I think needs to be put into perspective. It is driven by the Afghans, and we need to recognise that Afghanistan is an independent country. I think the structure is working, but we must remember that Afghanistan is the fifth poorest country in the world and its development is light years behind anything that we have experience of. That factor needs to be taken into account. Nevertheless, progress is being made. The Foreign Secretary referred to the most recent BBC opinion poll, which showed that 70 per cent. of Afghans believed that their country was moving in the right direction.

President Karzai and his Administration certainly need to face up to the issue of corruption, but a really important political point for me—it is insufficiently

[Bill Rammell]

understood in some of our public debates—is that Karzai represents the will of the Afghan people. Anyone who looks at the matter in detail reaches that conclusion. So yes, we need to use the levers at our disposal to influence with our partners the shape of what is happening, but we also need to recognise that Karzai is leading a Government who represent the will of the Afghan people.

The hon. Member for Blaby mentioned corruption and was concerned that we were defending a corrupt Government in Afghanistan. Let me be clear that the Afghan Government need to do more to face up to corruption, but our troops are there and are putting their lives at risk, not to defend a corrupt Government but to defend our national security and our national interest. That is one of the issues on which we need the strongest unity.

The hon. Gentleman also raised the issue of public support. Undoubtedly, the last six to nine months have been extraordinarily demanding and we have tragically lost too many of our troops. Nevertheless, the last comprehensive opinion poll commissioned by the Ministry of Defence showed something like—I am quoting from memory—47 per cent. in favour of the mission and 42 per cent. against it. I think that demonstrates, given all that has happened, that there is a deep underlying understanding of the importance of what is happening in Afghanistan and of the fact that it serves our national interest.

The hon. Gentleman referred to the media. If one looks at the coverage of Afghanistan in the media over the last four, six or eight weeks compared to what it was previously, one finds that some progress is being made—but more is needed.

The hon. Gentleman mentioned the appalling loss of life that has taken place. That is hugely challenging: every loss of life is something that we should enormously regret, but I also think we need to understand and articulate the fact that no military action has ever been undertaken without risk. If we, the media and the public create an impression or understanding that military conflict is possible without casualties, we risk undermining the necessary basis for the military actions that need to be taken in our national interest.

The hon. Gentleman referred to the PR10 statement—on procurement—before Christmas, which he described as defence cuts. What we were doing, rightly in my view, was demonstrating that Afghanistan was our main effort and that we needed to take some decisions within an overall budget that was not decreasing to ensure that that was case. Following the visits of the shadow Chancellor and the shadow Foreign Secretary to Afghanistan, I was interested to read in the Sunday press that they were not a million miles from that position, saying that they would protect efforts in Afghanistan while other areas in the MOD would be cut back—and cut back significantly. If the hon. Member for Blaby has any concerns about that, he should take them up with his Front-Bench team.

Mr. Robathan: I am grateful to the Minister who, if I may say so, is making a very good speech. I agree with most of what he said—*[Interruption.]* Exactly, until just then. I may well be told off if I have got this wrong, but I think our policy is that we have a strategic defence review to determine what is needed to defend this country.

Bill Rammell: That is exactly the same as the Labour party's position, and we are committed to it; a Green Paper will shortly be forthcoming to inform our strategic defence review. However, the hon. Gentleman needs to refer to the press briefing issued following the visit by the shadow Chancellor and the shadow Foreign Secretary, which made it clear that the Conservative party's intention, were it to be elected to government, was to protect efforts in Afghanistan but to cut back elsewhere in defence. If I have got that wrong or if the briefing was wrong, I am sure that the shadow Defence Secretary or one of his colleagues will intervene.

In conclusion—

Dr. Julian Lewis: The Minister is moving on.

Bill Rammell: No, I am happy to pause and await the hon. Gentleman's intervention.

Dr. Lewis: My understanding is that there was no briefing of any sort whatever. If the Minister had a copy of it, I am sure he would have shared it with the House.

Bill Rammell: That is the oldest and weakest defence in the book. I think the hon. Gentleman knows where those briefings came from. This has nevertheless been a good debate and the consensus I referred to centred around the recognition across political parties that our efforts in Afghanistan are about pursuing our national interest and our national security.

We are there as part of an international coalition. I think that none of us has any doubt whatever that were we to withdraw precipitately, before the Afghans have the capability to defend themselves, the safety and security of our country would be significantly less. That is not the same as saying we want our troops to be in Afghanistan for ever. That is why our efforts are focused on building the capacity, capability and numbers of the Afghan forces through training, mentoring and partnering, so we can get to the stage at which it is safe for our troops to withdraw. That is why before Christmas we took the decision to uplift our troop numbers by 500, along with our international partners. It is also why we have urged the Karzai Government to do more to tackle corruption. We believe that although the military component of what is happening is enormously important, a military solution alone will not succeed. There also needs to be a political solution involving reconciliation with those elements of the Taliban that are prepared to reject violence.

Fundamentally, we need to see this through until it is safe for us to withdraw—that point has been made in many contributions this afternoon. If we withdraw before then, not only will the Taliban and al-Qaeda return to Afghanistan, making us much less safe, but we will provide the most enormous boost for terrorists and jihadists across the planet. That is why we are in Afghanistan, and that is why this is so important to our national interest. As has been demonstrated this afternoon, that view is widely shared in the House.

Question put and agreed to.

Resolved,

That this House has considered the matter of Afghanistan.

Canterbury City Council Bill

Third Reading

Motion made, and Question proposed, That the Bill be now read the Third time.—*(The Second Deputy Chairman of Ways and Means.)*

Mr. Deputy Speaker (Sir Alan Haselhurst): Before I call the hon. Member for Canterbury (Mr. Brazier), let me inform Members that, in line with the approach I have consistently taken when these particular Bills have been before the House, I propose that the two Bills on the Order Paper—the Canterbury City Council Bill and the Nottingham City Council Bill—be considered together on Third Reading, as they are still almost identical.

2.42 pm

Mr. Julian Brazier (Canterbury) (Con): This Bill was first deposited in November 2007, and we have had three separate Second Readings, and the House has spent many hours deliberating on it, so I will say almost nothing about the original arguments, beyond stating that my community, and in particular Canterbury city, is one of the foremost tourist attractions in the country, and while that brings many benefits, it also brings the very considerable problem of congestion in our high street.

Mr. Christopher Chope (Christchurch) (Con): Will my hon. Friend confirm that, since 2007, a lot of water has passed under Westminster bridge, and that, in terms of pedlars, the Government have issued consultation and research, and have now come forward with draft legislative proposals contained in the latest consultation, which does not have to be concluded until the beginning of next month? Does he accept that the situation is now completely different from when the Bill was introduced, and that in the light of what the Government may be going to do, his Bill is premature?

Mr. Brazier: In a word, no. The promoters of the Bill do not believe that we are close to Government legislation in this area. *[Interruption.]* It appears to me that the Government Whip, the hon. Member for Nottingham, East (Mr. Heppell), is nodding. Also, although I know that the Opposition Front-Bench team are sympathetic on this issue, I do not believe that it would be a high priority for an incoming Conservative Government. This is a specific problem for a few localities. As it is not a general problem around the country, it is inevitable that no central Government will give it a particularly high priority.

The sad fact is that in a congested and popular city centre such as Canterbury's, which has narrow cobbled streets, the activities of people using peddling licences are playing a significant role in contributing to congestion. More importantly, their activities are undermining the position of the 13 traders who pay a great deal of money each year for their legitimate street licences and that of the many shops on our high street that are close to the economic edge in this recession.

I do not wish to repeat the arguments made in the earlier debates, but I wish to address one particular matter. There are two differences between the Canterbury Bill and the Nottingham Bill, about which we will hear shortly. The more important of those relates to the issue of touting, to which my hon. Friend the Member for Christchurch (Mr. Chope) devoted a great deal of some of his earlier speeches. I made it clear then that I was sympathetic to his points about touting. The provisions are designed to address a difficult and unpleasant, but extremely narrow, point. However, as drafted, they would have potentially far-reaching consequences, and I would be very worried about what a future non-Conservative Administration, should we have the misfortunate to have one in Canterbury, could do with them. I therefore obtained an absolute assurance from the promoters of the Bill, Canterbury city council, that it will strike out the touting clause in another place.

Mr. Chope: I am grateful to my hon. Friend for making that concession public. As he rightly says, we had an exchange on the Floor of the House about this matter—I believe it was on 29 October 2008—during which he offered me the opportunity to visit Canterbury to discuss it with the officers of his local council. That visit has not materialised, but may I ask him why the opportunity was not taken to make this concession, and thereby allow this amendment, when this Bill was before the Unopposed Bill Committee, because we would thus have been able to deal with the matter in this House?

Mr. Brazier: I take full responsibility for that matter; the Bill went through rather speedily and I missed it at the Committee stage.

Mr. Peter Bone (Wellingborough) (Con): Will my hon. Friend give way briefly on that point?

Mr. Brazier: Yes, but it is the last time I shall give way, because I have almost finished what I wish to say.

Mr. Bone: This is an important point. As the transcript of the Unopposed Bill Committee proceedings shows, this question was brought up then and the representatives of Canterbury city council argued specifically against such an amendment. Have they changed their mind?

Mr. Brazier: I have no idea whether they have changed their mind, but they have given me an absolute assurance, in writing, that this provision will be struck out in another place.

Over the past two and a bit years, a great deal of time and energy has been expended in this Chamber on debating these two parallel Bills and, indeed, the other four that are further back in the pipeline. I do not think that further words from me will add anything to the debate. My local community in Canterbury is very anxious for this measure, which is supported by all parties on Canterbury city council, and I would be most grateful for the support of the House.

2.48 pm

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): I should point out to the hon. Member for Canterbury (Mr. Brazier) that if the Whip is nodding, it is not necessarily in assent to what he is saying. I say that because the Whip cannot get up to defend himself.

Mr. Brazier: Let me make it clear that no discourtesy was intended and that I was just alluding to the fact.

Kevin Brennan: I acknowledge that the hon. Gentleman is always courteous.

The Government understand the desire of these local authorities to bolster their enforcement powers when faced with traders who seek to hide behind a pedlar's certificate as a means of frustrating the gathering of evidence on street trading offences. The House is aware that, prompted by a number of local authorities that seek the additional powers that these Bills include, the Government, as he mentioned, undertook research into the perceptions of, and application of, the current national and local regimes. We are now in the process of consulting on possible proposals for changes to the national regime.

The ideas explored in the consultation included: whether there is a national need to extend enforcement powers for local authorities so that they can better tackle illegal street traders without unduly restricting legitimate pedlary; how more clarity can be achieved between the legitimate activities of certified pedlars and practices that seek to frustrate the enforcement of street-trading rules; how the pedlars regime might usefully be modernised to achieve a clearer fit with street-trading laws and to make the certification process more comprehensive, to provide better access to records of certificates and to help pedlars to go about their legitimate business where they are entitled to do so; the subject of guidance on the application of the current regime, which research found all parties would find useful as there is widespread misunderstanding of what constitutes legitimate pedlar activity and what constitutes illegal street trading; and how we can maintain the national nature of a genuine pedlar's permission to trade while meeting the valid concerns of some local authorities about being able to control the level of trading activity in relation to special events or, in particular, to areas where too much trading has an adverse effect. The consultation period ends on 12 February and we will publish the Government's response in due course.

2.51 pm

Mr. Peter Bone (Wellingborough) (Con): The Minister's speech was most helpful. He talked about what I believe should happen: we should have a national policy. The Government are moving speedily and correctly in that direction, and it is for this House to decide on a national policy. My objection in principle to these Bills is that to provide a private Bill for each council that wants one is a ridiculous way to proceed in this day and age.

I am grateful to follow my hon. Friend the Member for Canterbury (Mr. Brazier) who, quite rightly, feels passionately about the issue involved. I am aware of the important feelings that he has about that, and it is right that when we have private business people of the same political party should have differences of opinion on it. I have had representations from city councils, although I have not actually had them from Canterbury, so let me show their side of the coin. They say:

> "Problems include large groups of individuals selling goods such as balloons, flags, whistles etc from large, wheeled stalls. Most of those individuals usually claim to benefit from a pedlar's certificate. Their presence not only causes obstruction to pedestrians and projects a negative image of the area, but also results in complaints from legitimate street traders in the area who are subject to strict control by the local authority via conditions on their licence."

I am sure that that is entirely the case in Canterbury, but my argument would be that this is a matter for Parliament as a whole to decide. We should have a national policy and then delegate down to local authorities the decision on whether they enact the provisions or not. I welcome the Government's position on this matter.

Philip Davies (Shipley) (Con): Following on from that, does my hon. Friend not agree that across the total of six Bills, these two—the Canterbury City Council Bill and Nottingham City Council Bill—are probably the two most restrictive? Without the result of the Government's consultation, which we are still awaiting, and without their response to it, it is difficult to judge at this stage whether these Bills strike the balance that it would appear that everybody wants to see.

Mr. Bone: I am grateful to my hon. Friend for his intervention. He is quite correct. There would be a legitimate case for delaying this a little longer—until February—so that we can see where we are as regards the Government report. My issue is with the specific Bills and the procedure that has been used to bring them to Third Reading.

This is the first time that I have spoken in a Third Reading debate on private business, and I have been doing some research. This information has been provided by the House of Commons and, in particular, the House of Commons Information Office's document on private Bills. I also looked at column 989 of the *Official Report* on 29 October 2008, which was the Second Reading of the Canterbury City Council Bill. I spoke in that debate. Given that we are talking about this group of Bills, I also looked at the Second Reading debate for the other councils involved, which can be found in the *Official Report* for 3 June 2009, from column 329.

I also referred to the transcript of the Unopposed Bill Committee that took place on 8 July 2009. Rather bizarrely, the Committee is said to have been chaired by Sir Michael Lord, with Mr. Adrian Bailey, Gordon Banks, Peter Bottomley and Sir Robert Smith. That is how the transcript has been produced, I assume by *Hansard*.

I have concerns about how this Third Reading has been presented and dealt with. What should happen with a private Bill is that the initial, formal First Reading stage is the same as with—

Mr. Deputy Speaker: Order. Let me try to be of assistance to the hon. Member for Wellingborough (Mr. Bone). Whether he likes it or not, we are on Third Reading of this particular Bill. As in any Third Reading, he may speak about what is in the Bill, but not about the procedure affecting what happens before this stage or what happens to private Bills in general. We are where we are: there is a Bill before the House, and speeches on Third Reading must be confined to the contents of the Bill.

Mr. Bone: I am very grateful, Mr. Deputy Speaker, and I apologise. I was somewhat misguided by the House of Commons briefing, which says that

> "third reading debates on opposed private business have tended to be rather wide-ranging; Members who put down blocking motions may wish to discuss the merits of the particular bill or to allow more time for the promoters and petitioners against the bill to reach some reconciliation."

I am apologising—

Mr. Deputy Speaker: Order. Exactly, and therefore my ruling is valid.

Mr. Bone: Thank you, Mr. Deputy Speaker.

There is a particular issue that one of my constituents has asked me to speak about in this Third Reading debate. People may ask why the Bill was not petitioned against. If that had happened, the procedure that I am not allowed to talk about would have been different. The Bill would have gone to an Opposed Bill Committee, and the scrutiny would have been somewhat different. In any case, however, it would have been impossible for me to be on either type of Committee, as their memberships are not selected as happens with normal Bills.

I want to talk about the relationship that the economic situation and unemployment have with removing the right of pedlars to carry out their work in a particular city. Since the Second Reading debate, unemployment in both Nottingham and Canterbury—and, for that matter, in my town—has increased by more than 50 per cent. It seems to me that people who wish to leave the unemployment register and acquire gainful employment could do so by getting a pedlar's licence. They would have to go through certain checks, as such a licence is issued by the police.

Such people would then be entitled to go and peddle across the country. In fact, that is the whole point of the pedlar's licence—it is not static. Licensed pedlars do not work from a shop on which they pay rates or rent; instead, they can go round the country—perhaps from door to door—or they may work in a city such as Canterbury, but it is a way for someone to get on the entrepreneurial ladder.

As I have said many times in this House, unemployment in my area is now more than double what it was in 1997. In particular, it is 50 per cent. up since this Bill was last discussed, and that is the same for the other councils that we are looking at. It seems to me that restrictions placed on particular towns and cities will affect not only those citizens, but pedlars from all across the UK. Such restrictions affect any pedlar who applies for a certificate in Wellingborough, and might work his way round the country to Nottingham or Canterbury. I take the point that there is illegal rogue trading, but I contend that pedlars are not illegal or rogue. They go through the process of police certification. I am convinced that the vast majority act legally, do not sell counterfeit goods and do not remain in one place, which would break their licence as a pedlar. I accept that there are people who do that, but they are not pedlars.

The unemployment levels are so high that we would be silly to choke off legitimate ways in which people can earn their living. In one constituency in Nottinghamshire, adult male unemployment is now 15.4 per cent., and in another it is 14.2 per cent. So choking off an opportunity for people to work seems wrong. That clearly was not considered on Second Reading because the facts of the economic situation were not known then. It certainly was not considered in the Unopposed Bill Committee. I have read the debate that took place in that Committee and, although the members worked hard and asked a lot of questions, they did not have the benefit of the knowledge that the petitioners would have had if they had had early enough notice that this private Bill was being introduced. That is why I believe that the other place will listen to the petitioners and have a better view of the matter.

My main contention is that the Bill affects the economic situation of not only people in Nottingham and Canterbury but people across the country, including in my constituency. I know that several hon. Members wish to speak. I do not dispute the correct analysis of my hon. Friend the Member for Canterbury; I think he is absolutely right. The way forward is as the Minister suggests. He made a helpful and clear statement.

What is good about today's debate is that we have a chance to discuss business that, if approved, will become the law of the land. It seems to me very strange that private business tends to be nodded through without debate. I really wonder whether this procedure—

Mr. Deputy Speaker: Order. I do not want to have to repeat myself, as I suspect the hon. Member is starting to do in certain respects, but I must be clear. We are not debating the procedure for private Bills. That may be something that the House would be fascinated to discuss on a separate occasion or to refer to the Procedure Committee. This debate is on the content of the Bill.

Mr. Bone: I probably made the mistake of not raising a point of order at the beginning of the debate because I do not think that this Third Reading debate is in order. That was a mistake, and it shows my lack of experience in this place.

Mr. Chope: People are in the mood for making abject apologies. My hon. Friend the Member for Canterbury (Mr. Brazier) has just made one, and my hon. Friend the Member for Wellingborough (Mr. Bone) is making one. Will my hon. Friend confirm that one of the problems is that we are having this Third Reading debate without having had the benefit of a proper Committee stage; and that we would have had a Report stage if our hon. Friend the Member for Canterbury had moved his amendment in the Unopposed Bill Committee? That would have resulted in a Report stage and a more orderly process towards Third Reading.

Mr. Deputy Speaker: Order. That is entirely a procedural matter, and the hon. Gentleman leads me into the risk that I may have to make an abject apology to the House for having to repeat the guidance that I am trying to give. I therefore counsel the hon. Member for Wellingborough not to pursue that line.

Mr. Bone: Indeed, Mr. Deputy Speaker; I certainly would not do that.

I have been asked by a constituent to come to the House and make that point about entrepreneurship and the level of unemployment, and that is the crux of my argument. He would certainly have liked to have petitioned Parliament on the issue, but he was not aware of the fact that the private business had been introduced.

3.6 pm

Tony Lloyd (Manchester, Central) (Lab): I rise to support the Bill that the hon. Member for Canterbury (Mr. Brazier) has sponsored and the Nottingham City Council Bill. Owing to the pressures of high office, my hon. Friend the Member for Nottingham, East (Mr. Heppell), who is sitting beside me, is not in a position to put forward the case for the Nottingham Bill. However, I must begin not by making an abject

[Tony Lloyd]

apology. Instead, I say to my hon. Friend the Minister that—please believe me—the nod from my hon. Friend the Member for Nottingham, East was a nod of approval towards the remarks of the hon. Member for Canterbury. There should be no ambiguity about that. My hon. Friend may not speak, but he can nod in approval.

Mr. Deputy Speaker: Order. The hon. Gentleman had better be careful otherwise he might get his hon. Friend into even greater trouble.

Tony Lloyd: I had best adhere carefully to the strictures that you place upon me, Mr. Deputy Speaker, and allow my hon. Friend if not to rest in peace at least to sit in peace.

I shall make a few brief points. It is unnecessary to rehearse the arguments that were made on Second Reading, precisely because the Bills have not been amended since Second Reading. The House clearly established with very large majorities the principle of its support for the Canterbury City Council and Nottingham City Council Bills on that occasion, and it has done so on every occasion since. In that context, may I say gently to the hon. Member for Wellingborough (Mr. Bone) that the idea that the House has not examined the matter and not given its approval is fallacious? The House voted in considerable strength. These private Bills did not slide through with marginal support unnoticed one afternoon; they were given very strong support in the House.

Mr. Bone: My point was that when the Bills were debated and divided on, significantly fewer than half of all Members voted.

Tony Lloyd: This may come as a surprise to the hon. Gentleman, but even on occasions of Government business significantly fewer than half of all Members vote. We should not weigh the votes, except to say that on all occasions there have been significant votes clearly in favour of the Bills, and a small but lengthy measure of opposition to them. The Bills have had 16.5 hours of debate already, and that should establish the fact that they have had a good airing. Proponents and opponents have had a good opportunity to put their cases.

Mr. Chope: Will the hon. Gentleman give way?

Tony Lloyd: I am cautious, but I shall not be discourteous to the hon. Gentleman.

Mr. Chope: Will the hon. Gentleman explain why other city of Nottingham representatives, who might have been freer than his hon. Friend the Member for Nottingham, East (Mr. Heppell) to express an opinion, are not present for the debate?

Tony Lloyd: It is because they have an amazing and accurate strength of belief in my capacity to advocate their case. That is what the answer amounts to. My powers of rhetoric are clearly well received by my Nottingham colleagues. As a former student at the university of Nottingham, perhaps I have some interest in that city.

I wish to put a couple of brief points to the House. First, I want to deal with the Government's consultation. Like other supporters of these Bills, I strongly support the Government's steps in the direction of achieving a national structure. Indeed, I think that the position of those on all three Front Benches is that it would be better to have national legislation, but that does not yet exist, and it is likely to be some time away. That eventuality should not prevent the citizens of Canterbury, Nottingham and, indeed, other cities, from thinking that legitimate procedures still exist in this House to protect their interests. The consultation is very unlikely to produce legislation, certainly this side of a general election. Even if we look beyond that election and envisage a Labour Government returned to power with a strong majority, and even if my hon. Friend the Minister is still in the same ministerial role, although I think he is probably destined for much greater things, it is unlikely to be a priority in the early moments of the post-election period. That is why it is important for Canterbury and for Nottingham that this legislation moves forward in the House under procedures that are open and legitimate.

My second point relates to the interesting comments by the hon. Member for Wellingborough about increases in unemployment. Of course, unemployment has gone up, including in cities such as my own. However, I assure him that the employment-destroying capacity of the bogus trader is a reality. That applies to legitimate businesses in my constituency and in those of my hon. Friend the Member for Nottingham, East and the hon. Member for Canterbury. That point must be taken on board as part of the equation.

I have never said, nor would I ever say, that every pedlar is a rogue; that is simply not the case. Neither would I want to say that every pedlar is, in some sense, of marginal economic or social value. The right to peddle is not put at risk in the six Bills, of which these two are the most restrictive, nor by the other Bills that will, I hope, come before the House on another occasion. The right of people to operate under a pedlar's licence will remain intact. However, the legislation places legitimate restrictions on pedlars who use, and on occasion abuse, their position to the detriment of the ordinary passing traffic in our cities. That is inimical to legitimate businesses that face unfair competition of a kind that we should not allow in situations where there is a local interest, even if it has not yet been translated into a national issue.

I think that that is the case that my hon. Friend the Member for Nottingham, East would want to have put forward in his name and that of my hon. Friend the Member for Nottingham, North (Mr. Allen). I want to put that case strongly on behalf of Members from across the House and many different parts of the country. I associate myself and my hon. Friend the Member for Nottingham, East with the remarks of the hon. Member for Canterbury, which I strongly endorse. This is not a party political debate; in fact, the different political parties have, overwhelmingly, a common view. On that basis, I hope that we can proceed with the Third Reading of these Bills.

3.13 pm

John Penrose (Weston-super-Mare) (Con): We have already had a wide range of contributions from my hon. Friends the Member for Canterbury (Mr. Brazier) and for Wellingborough (Mr. Bone), the Minister, and the hon. Member for Manchester, Central (Tony Lloyd), illustrating the fact that this is the latest movement in a multi-act drama.

As has been ably explained, these Bills, and the associated Bills put forward by other local authorities around the country, have come before the House many times under many different stages of the parliamentary process. I expect that the others in the convoy will be with us in due course. There has been a great amount of debate, and I do not intend to detain the House for long by going over ground that has already been covered in some detail by Members on both sides of the House during those earlier stages.

Mr. Bone: The hon. Member for Manchester, Central (Tony Lloyd) described what the position would be if Labour were returned with a majority, but would a Conservative Government pick this sensible legislation up and proceed with it as the Minister outlined?

John Penrose: I thank my hon. Friend for leading me nicely to my next point. However, I should mention briefly that I have a small local interest in this matter. My constituency, Weston-super-Mare has a carnival every year—it is a grand west country tradition—and a large number of pedlars arrive for the evening. They add to the streetscape and create a wonderful buzz around the town, but they create a great deal of ill-feeling among some of the carnival organisers, because they feel that the pedlars—some licensed, some not—take money out of the town that they might otherwise be able to give to good causes and charity. I must confess to that element of local interest.

Mr. Brazier: Can my hon. Friend imagine what it must be like to operate in a city where that is going on not as a result of a carnival, but every single day from the middle of April through to the early autumn?

John Penrose: I completely take my hon. Friend's point. In fact, my local authority has examined whether it wishes to introduce a private Bill of the kind we are discussing. It has decided not to do so thus far because of the expense and difficulty, but in earlier rounds of debate, the House has discussed the fact that many local authorities that are similarly affected have considered introducing private Bills.

That is one reason why other Conservative Members have said in previous versions of this debate that we support the idea of some kind of national approach. Clearly, the matter is not efficiently dealt with [illegible] multiple local authorities taking the private Bill [illegible] is not necessarily the most effective way [illegible]ng with the matter, and some kind of national approach should be seriously considered. That was why we were delighted that the Government produced a consultation document—we are part way through the process at the moment. I am sure the Minister would not expect me to offer a legislative blank cheque: what we do depends first of all on the results of the consultation, and secondly on what proposals this Government or any future Conservative Government make. I hope hon. Members on both sides of the House agree that it is a good thing that the process has been started, because we need to uncover in more detail what people in different parts of the country feel about the matter.

Mr. Chope: Before my hon. Friend allows the impression to be given that all pedlars operate against the interests of charity, will he accept that one particular pedlar with whom I have been in contact, Frankie Fernando, has under his pedlar certificate raised significant sums of money for charity?

John Penrose: I am happy to accept my hon. Friend's point. A number of hon. Members, on both sides of the House, have made the point that there are sharp and important distinctions to be made between legitimate pedlars, street traders and rogues. Those are distinct categories, and we need to continue to make the distinction. Of course, as he says, within those categories, there are people who make money for themselves and their families, and people who make money for a variety of worthy causes. He is quite right to make that point.

Philip Davies *rose—*

John Penrose: I am trying to get to the point made by my hon. Friend the Member for Wellingborough, but I am happy to give way once more before I do so.

Philip Davies: Does my hon. Friend agree that the benefit of going for a national route following the consultation document that the Government produced, as opposed to this piecemeal approach, is that pedlars by nature are not a very powerful lobbying group? They are not well organised and do not have expensive lobbyists at their disposal, so legislation such as this Bill could go through without the voice of the pedlars being heard. Had it not been for my hon. Friend the Member for Christchurch (Mr. Chope), the other side of the argument would never have been heard in these debates.

John Penrose: I agree with my hon. Friend that it requires Members of Parliament such as him, and my hon. Friends the Members for Wellingborough and for Christchurch (Mr. Chope), to raise their voices and put both sides of the debate, which they have done ably. In fact, I believe that now my hon. Friend the Member for Shipley (Philip Davies) has spoken, more hon. Members have spoken in opposition to the Bill than in favour. He is right to make that point, but he is doing down some of our colleagues who are doing a good job of making their arguments.

To come back to the question raised by my hon. Friend the Member for Wellingborough, the Conservative party's view, as we have said on previous occasions, is that it is not sensible to make a party-political issue out of an individual local Bill. We are trying to ensure an entirely free vote for Conservative Members on individual Bills from local authorities—whether from Canterbury, Nottingham or anywhere else. We do think that it is sensible to start looking, as the Government have, at whether a national position on the issue can be reached. However, the point made from both sides of the House earlier—that no matter who wins the general election, it will be difficult to find parliamentary time to take through a Bill on this issue in the early stages of any Government's life—is true. Therefore it would be a mistake for me or any other shadow Minister or Minister to promise national legislation in the near future, and I would not wish to use that as an excuse to guide colleagues to vote in one way or the other on this Bill. I am trying to "park" that issue.

Mr. Chope: Does my hon. Friend accept that this is a two-stage process? First, the Government need to have a settled opinion on the changes that they would like to see made to the law. Secondly, they need to find the parliamentary time to implement those conclusions. I see the hon. Member for Bolton, South-East (Dr. Iddon), who promoted a private Member's Bill on this issue, in his place. If the Government had a settled opinion, given a fair wind, it could be expressed in statute sooner than my hon. Friend thinks.

John Penrose: If my hon. Friend is volunteering to help the process along, he or anyone else who did well in the private Member's Bill ballot would find themselves with very many friends soon after the ballot results were published. He is right to describe the process in that way, and I am sure that it would expedite matters if that happened. Of course, we cannot tell this afternoon whether that will happen, but I completely agree that the first step must be for any Government to develop a considered position and work through the detailed and important issues of how to distinguish between rogues, street traders and pedlars, and how one governs and enforces the laws that might be introduced in each case.

I hope that I have clarified the Conservative party's position on this and that we are not urging our colleagues to vote either way on these specific Bills, but to make their own personal decisions.

Mr. Chope: Can my hon. Friend confirm that the Conservative party has found the paper produced by Paul Bradford, from St. Chad's college, Durham university, helpful? It is about selling in the street and pedlary as an entry route to entrepreneurship.

John Penrose: I can confirm that my hon. Friend kindly handed me the paper about 10 minutes ago and I have made a determined effort to get through it. I have covered the letter, but I have not got beyond page 2 or 3 of the 10-page detailed addendum. Based on what I have read so far, it is tremendously helpful, although I am not sure that it is a complete statement or indeed the last word on the subject. It should certainly be taken into account by all sides, and it makes some of the same points about entry into employment made by my hon. Friend the Member for Wellingborough. I am sure that we will return to this issue when we consider some of the other Bills that are attempting to achieve the same ends in the near future.

3.24 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): I rise to make a few brief remarks to confirm that the Liberal Democrats support the measure. The debate about the national framework will command wide support across the House. However, hon. Members have made the point that waiting for the framework might be like waiting for Godot. It is therefore important to press ahead with this measure not only for that reason, but because it could be used as a test, so that when the next Government, whomever they may be, get around to drafting legislation following the consultation, they will have an example of such legislation working in practice. They would then be able to build on that example and use it as best practice, or, if it did not work, to learn lessons from it.

Mr. Bone: I understand that the hon. Gentleman is concerned about the time that it would take for national legislation to be introduced, but has he considered what will happen if we pass this private Bill today and then find that the national legislation, when it comes, is significantly different? How would we reconcile the two?

Mr. Davey: The national legislation could make the necessary reconciliation in the Act, so I do not see any problem there whatever. Indeed, a key point on which I hope to command support across the House, is that the national legislation, when it comes, should respect the needs of individual local authorities to legislate through byelaws in a way that suits their areas, towns and city centres. I would hope that a one-size-fits-all approach would not emerge. That is very important.

We have heard about the differences between circumstances in Canterbury and in Weston-super-Mare. I can confirm that the situation in the town centre of Kingston, in my constituency, is probably very different from that in Canterbury or in Weston-super-Mare. In Kingston, there are regularly street traders and pedlars—probably not as regularly as in Canterbury, but on most weekends and some weekdays. It would be a welcome new freedom for the local authority to be able to decide whether to take action on this matter, as long as that ability was not killed by some overarching, over-prescriptive, over-bureaucratic national framework; it must be an enabling framework. That could be advantageous.

In Kingston, we had the experiment of first business improvement district in the country. There are now many other BIDs, but Kingston First was the first. I sat on the Committee that considered the Government Bill that introduced BIDs. The resulting legislation has enabled, with a number of different local authorities going ahead with measures, other authorities to work out what is right for them. One size has not fitted all with the BID approach to local economic management and development, and neither should one size fit all with this type of measure. The success of those initiatives suggests that we must be as flexible as possible if we go down the national framework route.

Philip Davies: I take the hon. Gentleman's point about localism being broadly a good thing, but under the measures a pedlar's certificate would entitle the holder to act under its authority anywhere in England, Wales or Northern Ireland. Given that the two Bills on which we are concentrating today differ from each other and from the other Bills that we will be considering later, it would be difficult for any pedlar who wished to use a certificate that he has obtained legitimately to do his work in different parts of the United Kingdom, because he would have to look through clauses such as those in the Bill to see what they could or could not do in each local area. Is that not a difficult thing to expect them to do?

Mr. Davey: The hon. Gentleman is in grave danger of over-egging the pudding. Pedlars are, as he and his colleagues have argued, entrepreneurial by nature. I think that they are quite capable of finding out what is going on in different towns and city centres, and he is quite wrong to make that point. Some of his colleagues appear to accept the notion of a flexible national framework, and no doubt if that were implemented, there would be differences in different town centres under that approach. I do not see the force of his argument in practice or in relation to what is likely to be the legal reality.

In conclusion, the work that has been put into the Bills by different city councils and the hon. Members who have sponsored and led on those Bills is to be commended. I hope that that work can act as a spur, a catalyst and an example for future legislation in this area.

3.30 pm

Mr. Christopher Chope (Christchurch) (Con): For reasons that have been made clear on a number of occasions, I am not yet convinced of the merits of either Bill. I should like to cover a number of aspects of their contents, but first I wish to consider the European convention on human rights.

In the explanatory memorandums to both the Canterbury and Nottingham Bills, there is a statement that in the view of the respective councils the provision of the Bills are

"compatible with the Convention rights."

You will know, Mr. Deputy Speaker, that that issue was referred to in the deliberations of the Unopposed Bill Committee that took place to examine these Bills and the Leeds City Council and Reading Borough Council Bills. There was one Committee for all those Bills. A representative of the solicitors Sharpe Pritchard, Mr. Alastair Lewis, appeared as agent for all four councils. Quite rightly and properly, he went into whether the Bills were compatible with the convention. He drew attention to the view taken by the Joint Committee on Human Rights, which was that it should be for the Unopposed Bill Committee to ensure that the Bills were compatible, as the councils had asserted on the front of them. He reported that the Minister had said that he was

"satisfied that the Promoters have undertaken a full assessment of ECHR compatibility"

and saw no reason to dispute their conclusions. However, he continued that the Minister had not seen the evidence that the promoters relied on to justify a restriction as being in the general interest. It was for that reason that he went into detail about how he felt the evidence justified the conclusion that it was in the general interest to introduce the restrictions in the Bills.

As confirmed and conceded by the agent from Sharpe Pritchard, article 1 of protocol 1 to the European convention is relevant because the economic benefit deriving from the licence, which in this case would include a pedlar's certificate,

"has been held to be capable of constituting a possession within the meaning"

of that article. He spelled out the three rules contained in the article: first, that the control of the use of property must be in accordance with the law; secondly, that it must be in accordance with the general interest; and thirdly—this is the issue that should cause us to pay careful attention—that it must be proportionate to the aim. We are talking about restrictions upon a person holding a pedlar's licence exercising their right throughout the length and breadth of the country.

In setting out his view to the Unopposed Bill Committee members, Mr. Lewis said that—

Mr. Deputy Speaker: Order. I am not sure that it is for the convenience of the House, or indeed appropriate, for the hon. Gentleman to rehearse something that has already been dealt with in Committee, and which presumably satisfied the Committee. If this was the issue at the heart of whether the Bills should be before the House, it was dealt with at an earlier stage. To repeat it now in the kind of detail that the hon. Gentleman seeks to repeat it is inappropriate.

Mr. Chope: I am not seeking to rehearse the arguments, Mr. Deputy Speaker. If you bear with me, I shall come to the Unopposed Bill Committee's conclusion that the provisions were a matter of judgment. I was going to draw that to the attention of hon. Members. Paragraph 86 of the Committee transcript states that a different level of proportionality will apply in the two Bills before us today from that applying in the other two Bills considered in the same Committee. Concessions had been made in the latter two Bills to reduce the ambit of the restriction on pedlars operating in city centres. In summary, it would be fair to suggest that although the Committee was clear that the Reading and Leeds Bills were proportionate, it left open the question of whether, in the absence of such amendments, the two Bills before us today satisfied the third criterion of proportionality.

Mr. Bone: My hon. Friend is correct. However, this is the first opportunity that Members have had to comment on the Committee's deliberations, with whose conclusions I disagree. It is clear that the representative of the promoters even had doubts. He rightly said that the amendments agreed by Reading and Leeds do not affect pedlars' human rights, because they allow them to continue trading door to door, but he had clear reservations about the Canterbury and Nottingham Bills.

Mr. Deputy Speaker: Order. This matter is now in the past. The Bills have been through Second Reading and Committee, and are now on Third Reading. As I ruled at the outset, it is in order to discuss the contents of the Bill, but the hon. Members for Christchurch (Mr. Chope) and for Wellingborough (Mr. Bone) are trying to go beyond the grounds of what is proper on Third Reading.

Mr. Chope: I do not want to do that, Mr. Deputy Speaker. My only question is whether the contents of the two Bills satisfy the European convention on human rights. Ultimately, however, that will be a matter for the courts, unless the House decides to prevent the Bills from reaching the statute book. Having said that, they have yet to go to the other place, and Members there might take an interest in them—after all, they took an interest in the Bournemouth Borough Council Bill and the Manchester City Council Bill and their compliance with the convention. I need not expand any further. I hope, however, that it is clear that that issue was one of the major matters debated in Committee.

Clause 4 of the Canterbury Bill, which deals with the definition of street trading, is slightly different from that in the Nottingham Bill—if my memory serves me well. Clause 4(2) of the Canterbury Bill has only two paragraphs, whereas the same subsection in the Nottingham Bill has three. The extra paragraph refers to

"the purchasing of or offering to purchase any ticket for gain or reward".

[Mr. Chope]

On the face of it, that seems rather similar to the point about touting in clause 11 of the Canterbury City Council Bill as currently drafted. My hon. Friend the Member for Shipley (Philip Davies) takes a particular interest in that issue because he serves on the Select Committee on Culture, Media and Sport—what I would still describe as "recreational activities"—which has being doing a study into touting, so I would be interested to hear any contribution that he would like to make on those provisions.

The main point that I would like to make about clause 4 of both Bills is that it extends the provisions not just to goods, but to services. Since the Bills were produced, however, a provision has been passed in the EU called the services directive. That directive is mentioned in the consultation document to which the Minister referred in his brief remarks. Page 29 of that document sets out a description of the services directive and a provisional conclusion, subject to consultation, drawn by the Government, which says:

> "In order to ensure proper implementation of the Services Directive on 31 December 2009"—

in other words, the end of last month—

> "the UK and Scottish Governments intend to amend the Pedlars Act by removing service providers from its scope."

However, it will not have escaped your notice, Mr. Deputy Speaker, that under the provisions of clause 4 of both Bills, service providers are to be added to the scope of the relevant legislation. It is therefore reasonable to ask the question, when we are considering whether the Bills should proceed, whether the provisions of clause 4 are redundant or, even worse, incompatible with the services directive, which

> "requires member States to remove any authorisation schemes which might act as a deterrent or a barrier to service providers from other member States operating in the UK."

The consultation document produced by the Minister's Department also says:

> "In the UK and Scottish Government's view the pedlar certification scheme amounts to an authorisation scheme which cannot easily be justified on the criteria set out in the Services Directive."

The document continues:

> "To meet the deadline for implementation the Department has decided to remove pedlars who provide only services from the"

pedlars regime, and says that

> "implementing legislation is due to come into force on 28 December 2009. After that date, pedlars of services only will no longer need a pedlar's certificate."

As happens with any consultation paper, the Government have done a cost-benefit analysis into the extent to which the changes might impact upon pedlars, and have concluded:

> "we understand that those local authorities who apply street trading licensing to service providers are required to justify that those regimes operate within the requirements of the services directive. If they are unable to do so those authorisation schemes will need to be removed insofar as they apply to service providers."

It would be helpful if the promoters of the Bills could explain how the changes proposed by clause 4 are compatible with the services directive, which I concede has come up over the horizon since the Bills were originally brought forward.

Mr. Brazier: My hon. Friend invites me to intervene on him, on this one occasion I shall do so. He knows perfectly well that, were this measure to be confirmed, clause 4 would become redundant. That does not in any way, shape or form prove that the provision is incompatible with anything or harmful to anything. It would simply become redundant. That is the first conclusion that he reached, and he knows it perfectly well.

Mr. Chope: If I did know that, I think that I would have been immodest enough to have said so. I do not know it. I shall put a further point to my hon. Friend—perhaps rhetorically, as he might not wish to intervene on me again. If his interpretation is correct—and according to my understanding of the consultation paper—this amendment to the law has already been made. So perhaps the clause is redundant even now. We seem to have a piece of legislation before the House, including a provision in clause 4, that, on the admission of the sponsor of the Bill, is already incompatible with European Union law. That is bizarre. Perhaps my hon. Friend would like to offer up an amendment for our consideration when the Bills reach the other place, if indeed that is their destination.

Mr. Brazier: Don't hold your breath.

Mr. Chope: Obviously, I am not going to hold my breath, Mr. Deputy Speaker; otherwise, I might be deemed to be out of order.

This short exchange on the application of the services directive has demonstrated that my hon. Friend actually has a lot more in-depth knowledge of these Bills than he has led us to believe. I hope that he will ensure that, before they reach the other place, they will be made compatible with the services directive, as it now seems to have been incorporated into United Kingdom law.

I hope that we will also hear why the Nottingham City Council Bill includes a provision relating to

> "the purchasing of or offering to purchase any ticket for gain or reward",

while clause 4 of the Canterbury City Council Bill does not contain any such provision. My hon. Friend has now said that clause 11 goes too far and that he will allow the matter to be withdrawn from the Bill after it has had its Third Reading in this place.

Philip Davies *rose*—

Mr. Bone: On a point of order, Mr. Deputy Speaker. I seek your guidance. A private Bill needs to be advertised in the *London Gazette* on or before 11 December each year, and all persons likely to be affected by it need to be notified. My contention is that the notification of all pedlars has not taken place and that we are therefore not in a position to continue with this Third Reading debate.

Mr. Deputy Speaker: I am quite sure that the procedures of the House have been satisfied and that what we are doing today is perfectly well in order.

Mr. Chope: Before my hon. Friend raised that point of order, I was about to give way to my hon. Friend the Member for Shipley (Philip Davies).

Philip Davies: My hon. Friend has highlighted the point in clause 4 of the Nottingham City Council Bill that relates to ticket touting, which is the bit that has been dropped from the Canterbury City Council Bill, according to my hon. Friend the Member for Canterbury (Mr. Brazier). Is my hon. Friend aware that the Office of Fair Trading has made it perfectly clear that ticket touting operates in the best interests of the consumer? We should not therefore try to pass any Bill that tries to restrict the practice.

Mr. Chope: My hon. Friend makes a very good point, and I am sure that if these Bills had had a Report stage, an amendment along the lines he is suggesting—seeking to remove clause 2(b) from the Nottingham City Council Bill—would probably have received a good deal of support across the House. I know that the Select Committee of which my hon. Friend is a member commands great respect and his point is popular with people outside the House. Again, this problem is a consequence of the fact that we are having a Third Reading debate in which we may discuss only the contents of the Bill, and if we do not like those contents, our only effective option is to vote against the Bill as a whole. I hope that my hon. Friend will join me in doing so in due course.

Let me raise another issue. I shall come back to the issue of pedlars in clause 5 "in due course", as the Minister says. There is a lot of concern among pedlars about clause 6, which deals with seizure. Under the Canterbury City Council Bill as drafted,

> "if an authorised officer or a constable has reasonable grounds for suspecting that a person has committed a relevant offence",

he or the constable "may seize" and so on. The pedlars in contact with me say that having to establish only a reasonable ground for "suspecting" is not as strong as it should be. What we should really have to establish before we start going around seizing people's goods is a reasonable ground for "believing". The use of the word "suspecting" rather than "believing" in clause 6 makes the provisions in this and the Nottingham City Council Bill much more draconian than they would otherwise be.

Philip Davies: I certainly agree with my hon. Friend on that point. Does he agree that, given that the consequences of seizure are dealt with in these Bills—there is a clause on the seizure of perishable items, for example—and that seized items have to be returned within 56 days, anybody who had had their goods taken off them unlawfully would have to go through the rigmarole and hassle of going to a county court to get some kind of compensation? Given the complications of people getting their goods back—if they get them back at all—and the processes they would have to go through to get any compensation, does my hon. Friend agree it is important that goods are not taken away from people willy-nilly at this stage?

Mr. Chope: Absolutely. That is the concern. It would be fair to say that there has been a breakdown in trust between lawful pedlars, trading standards officers and licensed street traders in local authorities. There is a fear that the powers being taken in these private Bills will be used against street traders and pedlars in a way that will effectively force them out of business. If they have their goods seized, it will be impossible for them to carry on trading on that particular day. As my hon. Friend says, the provisions in clause 6 and subsequent clauses of the two Bills will make it difficult for them to get their goods back to enable them to carry on trading in future.

Philip Davies: To my mind, it is even worse than that, as it may well be that the pedlars concerned need to sell the goods in the first place in order to raise the money to buy other goods to continue trading. If they have to go through all this rigmarole before they get their goods back, it is difficult to see how they could continue in business.

Mr. Chope: That is absolutely right, and in common language we would call that harassment. Pedlars would be in such a vulnerable position that unreasonable officers would be able to harass them out of town—which, after all, is the motive of many local authorities in promoting their prejudice against lawful pedlars.

There is another difference between the Nottingham and Canterbury Bills and some of the other Bills: the provisions relating to the seizure of perishable items. It has already been said that these two Bills are the most restrictive of any of the so-called pedlars' Bills. Clause 7 highlights the extent of those restrictions. Food cannot be sold under the auspices of a pedlar's licence, but other perishable items such as fresh flowers can be. If flowers were seized, they would be worthless and unsellable shortly afterwards. Although I am no expert on the length of survival of florists' flowers, I believe it is only a matter of a few days, and even then only if they are kept in the right conditions. Although the clause states:

> "The council or the police shall store any perishable item…at an appropriate temperature",

it will not be as simple as that.

Mr. Bone: Subsection (5) states that "any perishable item" will be

> "disposed of by the council"

for "the best possible price". If the council were to secure the best possible price, I assume it would have to peddle such items again on the streets. Does that make any sense?

Mr. Chope: This is part of the problem with these two Bills. If a council seizes flowers and keeps them for 48 hours, after which there is an obligation on it to secure the best possible price, I doubt whether the price obtainable would be particularly high because of the condition the flowers would then be in. Pedlars have expressed such concerns to me.

There is, perhaps, one good consequence of these Bills, however. At least pedlars—of whom, according to the latest Government information, there may be 4,000 in the country—are a lot better organised than they used to be. Indeed, the Government refer readers of their latest consultation paper to the pedlars' website for information. That resource is increasingly used by pedlars across the country. Some pedlars are concerned that the impact on them of clause 7 will be disproportionate.

I shall not go through all the concerns that have been expressed, because some would be better dealt with in the form of amendments or the petitions that I understand a number of pedlars will bring against these Bills when they reach the other place. However, one issue raised on

[Mr. Chope]

Second Reading with my hon. Friend the Member for Canterbury (Mr. Brazier) was why the Canterbury Bill makes provision to allow police community support officers to have powers that are not available to them in other Bills that seek to control illegal street trading and pedlary.

I receive a lot of representations from people saying that they are worried about the extent to which PCSOs seem to be able to go around acting as though they are policemen, but they are not policemen. The essence of the setting up of a system of PCSOs was that they should play a supportive role, rather than be substitute police officers. Many people would think that the powers for PCSOs set out in clause 18 go too far. It is regrettable that when this matter was raised on Second Reading we heard no answer from the promoters to the questions asked and that no reference was made to this in the Unopposed Bill Committee.

My concerns are not limited to clause 5 of the two Bills, although it would be fair to say that that is where my main concerns are centred. Clause 5 in effect restricts the right of pedlars within the Canterbury city council area and the Nottingham city council area to carry on as lawful pedlars trading in the street and selling their wares to passers-by. That is a major restriction on the long-established freedoms and liberties of pedlars in this country.

I was pleased to hear the Minister and the hon. Member for Manchester, Central (Tony Lloyd) conceding points that had not always been apparent in earlier stages of these debates in respect of lawful pedlars playing a legitimate role in this country. One of the important messages that emerged from the research that the Government commissioned, which was carried out by Durham university, is that pedlars in general command a lot of popular support. My hon. Friend the Member for Weston-super-Mare (John Penrose), who spoke from our Front Bench, described how pedlars add colour to the street scene during the fairs in Weston-super-Mare and are regarded as an asset by people engaging in the festivities. That is a common experience up and down the country and was, in a sense, a finding of fact by Durham university.

Mr. Bone: I am grateful to my hon. Friend for giving way; he is being extremely generous. In both Bills, clause 5 is identical and the last sentence includes the phrase

"if the trading is carried out only by means of visits from house to house".

In the other Bills, house-to-house trading is being allowed, but in these Bills it is not. Have I got that wrong? Will my hon. Friend clarify that point?

Mr. Chope: My understanding is that the effect of clause 5 in the Canterbury and Nottingham Bills is that pedlars would be able to operate only from house to house and not on the street.

My hon. Friend will probably be aware of one of the findings of the Durham university research, which was that a very high proportion of people who sell house to house and purport to be pedlars are not lawful pedlars. There is an irony in all that, because although some of the Bills state that pedlars can carry on going from house to house, there is quite a lot of resistance from households, with good reason, to people arriving on their doorstep offering to sell them things. They are nervous about those people's credentials and whether they might pose a threat to them as occupiers. That is why, when we go canvassing at election times and at other times, we increasingly come across labels on people's doors saying that they do not want pedlars and hawkers and so on.

At a time when there is more public resistance to house-to-house activity by pedlars but more willingness, in my experience, to accept the role of the pedlar in the general street scene, these two Bills are working in the opposite direction. They will allow pedlars to continue to operate from house to house, but not to operate in the street.

On behalf of all the promoters of these Bills, the hon. Member for Manchester, Central—his council is the lead authority for these six Bills—

Mr. Bone: I think that the figures in the report are that 69 per cent. of the working hours of a pedlar are spent in the town centres whereas only 29 per cent. are spent going from door to door.

Mr. Chope: I am grateful to my hon. Friend for putting that on the record. It shows the disproportionate impact on pedlars of their activities being restricted so they cannot operate in town centres. My earlier point took account of that, but I was also pointing out that an increasing number of people who sell from door to door are effectively found to be not authorised pedlars but rogue pedlars.

In the letter from the leader of Manchester city council, Sir Richard Leese, and in an identical letter sent to different recipients by Sir Howard Bernstein, the chief executive of that council, in which they seek the support of colleagues and invite other local authorities to put pressure on their Members of Parliament to support not only the Manchester City Council Bill, which we are obviously not considering today, but the two Bills that we are discussing, they make the point that there is a "growing problem" of illegal street trading in their areas. The analysis attached to the letter states that problems include large groups of individuals

"selling goods such as balloons, flags, whistles etc from large, wheeled stalls."

The point that I have sought to make in these debates is that the problem has to do with the large wheeled stalls. If we say that it is not possible for pedlars to take such stalls into city centres, much of the mischief described in the letter from Manchester city council and other submissions would be addressed. Pedlars could still operate in town centres, but they could not use the large wheeled stalls that inevitably cause obstruction. I can understand the concerns about those stalls.

The definition of pedlars includes hawkers, but history shows that they were covered by separate provisions. Hawkers rather than pedlars could be described as people who operate from large wheeled stalls, but the Bill places them all under the same umbrella.

One way to deal with that would be to revert to the traditional understanding of what a pedlar is—namely, a person who carries the goods on his person. That is reflected in the consultation document that the Government have produced. It is more generous than the amendments to the Bills for Leeds and Reading that I have negotiated, in that it says that the equipment that pedlars take into town centres should be much restricted in size but not removed totally.

In a sense, we are all on the same wavelength. I think the Minister agrees, and that is why it is especially regrettable that these Bills, even though they acknowledge that the main problem lies with the people who use large wheeled stalls, make no provision to help the traditional pedlar—the person on his own or with a very small receptacle—to continue to operate in city centres.

Mr. Bone: What is my hon. Friend's view of pedlars who go to football matches and park their trolleys at the entrance of grounds on match days to sell rosettes? In my day people sold rattles, but now they probably sell Manchester United scarves. How would they be affected by these proposals? I am obviously thinking more about the Nottingham Bill, as that city has football grounds.

Mr. Chope: A lot of pedlars do not work full time but sell novelties that might be associated with the soccer culture that they take to grounds on match days. That is a perfectly legitimate activity, but I am not sure that those people need big stalls, as it should be possible for them to store their goods somewhere. An increasing number of professional clubs accommodate and license stalls at their grounds, to allow such goods to be purchased by punters.

Mr. Bone: I do not think that I have made myself clear. I am not talking about people who are licensed to sell within grounds, where the cost of shirts and so on is quite high. I am talking about entrepreneurs who set up on match days only in the streets around grounds. They offer better value for money and I am worried that they might be caught by the legislation.

Mr. Deputy Speaker: Order. The hon. Member for Christchurch (Mr. Chope) invoked proportionality in a different context. We are now getting into far more detail than is appropriate for a Third Reading debate.

Mr. Chope: Mr. Deputy Speaker, I will try to be proportionate. It may be that the leader and chief executive of Manchester city council were out of order in writing to us in the terms that they did and went beyond the bounds of a Third Reading debate. However, it is worth putting it on record that they admitted that the problem was caused by large wheeled stalls and not pedlars carrying goods on their person.

This Third Reading debate is an opportunity for us to see how a Bill fits into the national context. I was delighted to hear the leader of my party, my right hon. Friend the Member for Witney (Mr. Cameron), reaffirm recently our commitment to encouraging entrepreneurs and promoting enterprise in order to strengthen the UK economy and our international competitiveness. It is clear that one pathway to enterprise open to every UK citizen of good character is to obtain a pedlar's certificate. A licensed pedlar can sell goods from town to town and house to house the length of breadth not just of England and Wales but of the whole UK. We need to look at the national context in considering whether it is reasonable and proportionate for two councils to disapply the freedoms that pedlars enjoy to operate in their local authority areas.

To their credit, the Government have responded to the threat to enterprise from the proliferation of private Bills and the threat to good regulation posed by a whole lot of pieces of legislation that are different from each other sometimes in small particular but sometimes in significant particular. We are talking about 3,000 or 4,000 pedlars with certificates. As the report to which I have referred by Durham university says, the essence of a pedlar is not necessarily that he has a lot of passes in his GCSEs but that he has good interpersonal skills. So we are not necessarily talking about people who will be able to look at the detail of legislation to see how they can comply with it before they visit a particular town.

Martin Horwood (Cheltenham) (LD): The hon. Gentleman no doubt makes an important point about the national context, but I seem to remember him in another context arguing that larger geographical entities should not take powers that can properly be exercised by smaller ones. This seems a good opportunity to follow that argument. This genuine policy was agreed by Nottingham city council in 2007. It thinks that there is a problem. It does not think that the Bill is designed to stop normal street peddling. Should we not just let the policy be changed and not prolong the agony?

Mr. Chope: The hon. Gentleman does not make that point for the first time; it has also been made by the hon. Member for Manchester, Central. He said that this was what the councils had decided, so that should be the law. We are talking about the difference between being able to make byelaws and changing the impact of national freedoms. At the moment, under national legislation, pedlars have the freedom to operate under the auspices of a pedlar's certificate. If we intend to limit or remove that freedom, this House and the other place should quite rightly and properly consider the rationale for doing so. Indeed, as I said earlier, it is incumbent on us, and a requirement under the European convention on human rights, to examine whether the proposals are proportionate. It is no good just saying, "This appeals to Nottingham, therefore it shall be."

I do not know whether the hon. Member for Cheltenham (Martin Horwood) has had the chance to read the proceedings of the Unopposed Bill Committee, but, if so, he may agree with my assessment that the argument of the promoters' agents reached its weakest point when they tried to justify the different approach taken in relation to Nottingham and Canterbury compared with the provisions relating to Leeds and Reading. The argument from Nottingham, which the hon. Gentleman has summed up, was basically, "We're in Nottingham; we think this is best for us; so be it." However, the people from Leeds and Reading accepted the argument about proportionality, and they did not want to prevent lawful pedlars who trade goods on their person from continuing to operate in their town centres.

Mr. Bone: Is that not the crux of the way in which this Third Reading debate and all private business should work? My understanding is that the promoters should negotiate with Members who have concerns to see whether a compromise can be reached. That has not happened on this Third Reading with these councils.

Mr. Deputy Speaker: Order. The hon. Gentleman seems fixated on procedural matters, and I have ruled on that.

Mr. Chope: Thank you, Mr. Deputy Speaker.

Returning to the point about proportionality and the national context, I think that there is a reasonable concern on the part of the pedlar community that it has not obtained a reasonable deal from Nottingham and Canterbury; and that is why I shall certainly oppose these Bills. Piecemeal legislation, which we are engaged in producing, is undesirable in principle. If we are going to restrict or change the rights, responsibilities and definition of pedlars and introduce different arrangements for issuing licences in order to test whether the requirements of good character have been satisfied and so on, it is sensible and prudent that we do so in a national context. They are all issues that have been raised in the Government's current consultation paper.

I should like the number of pedlars operating in this country to increase significantly, and that may be a by-product of our series of debates. I should like Jobcentre Plus advisers to suggest to people that, while looking for work, they might obtain a pedlar's certificate for £12.25 and trust their luck in the real world of trying to become a retailer. That activity is not necessarily suited to everybody, but in my submission it is suited to many more people than the 4,000 who are engaged in it.

We in this House should not send out an ambivalent message. Some say that pedlars are equivalent to rogue traders—admittedly, an extreme view, but one that some of the promoters of these Bills have articulated; and others of us say that pedlars are wonderful entrepreneurs who engage in the enterprise society. If we send out mixed messages, it will be that much more difficult to encourage people to go into pedlary as a profession. I say "profession" advisedly, because, as was mentioned at the very beginning of these debates, Marks and Spencer would not exist had it not been for the fact that it was founded by somebody who learned his trade as a pedlar.

We have to look at this in the national context, because an aspect that has become highly relevant since we first started debating these Bills is the significant rise in unemployment. Like me, the Minister will have regularly received people at his surgeries saying, "I've got all these qualifications and I'm eager to work", then, as an aside, "A lot of people aren't interested in getting a job, but I'm not one of those—I want to get a job." Other countries, such as Germany, have systems for encouraging people to engage in self-employment—

Mr. Deputy Speaker: Order. If I believed this to be the hon. Gentleman's peroration, I would be prepared to reckon that it was in order, but I am not convinced that that is the case. He is venturing into territory that would be a legitimate basis for a debate at another time and in another place, but not on the Third Reading of these Bills.

Mr. Chope: I am sorry, Mr. Deputy Speaker; perhaps because I am a little hoarse my intonation is inadequate in letting you know whether this is my peroration.

Mr. Deputy Speaker: Order. The hon. Gentleman raises another matter. If he is suffering from sickness, there is a very easy way of relieving that.

Mr. Chope: Let it never be said, Mr. Deputy Speaker, that we do not have some good humour in this House during these debates. Looking at the clock and seeing that I have been on my feet for some 57 minutes, I suppose that it is inevitable that I will soon be coming to the conclusion of my remarks; as people say, all good things must come to an end.

Mr. Bone: Could my hon. Friend advise the House on the argument about pedlary being an entry route to entrepreneurship? If that is to be economically viable, pedlary must operate anywhere in the United Kingdom, but that will not be the case if we pass these Bills on Third Reading.

Mr. Chope: I agree with my hon. Friend.

Addressing the House during this debate has been a frustrating exercise given that so much relevant material has been produced over the past 18 months. The most recent consultation paper extends to some 89 pages, the Durham university report extended to well over 100 pages, and lots of other material has been produced besides. That tells me that this is an important subject to which we cannot do justice in a Third Reading debate when many of us would like to be able to focus attention on particular amendments or groups of amendments.

Having said that, I take a degree of satisfaction from the fact that if we had never started objecting to these Bills and raising these issues in debate, we would never have had the Durham university report commissioned by the Government, the Government's response to that report and preliminary surveys, or the Government's latest consultation, which, I hope, provides a blueprint for the future. I am sure that people will want to contribute representations to that before the closing date. As a result, although we do not have any concessions on Nottingham and Canterbury in relation to clause 5, we have been able to obtain by agreement concessions in relation to two of the other Bills, and concessions forced on two other councils as a result of the actions of the Opposed Bill Committee.

Although I cannot find any reason to think that I have made any progress in relation to the Nottingham City Council Bill, I feel that by persuading my hon. Friend the Member for Canterbury to introduce an amendment to remove clause 11 from the Canterbury City Council Bill, which I describe as his Bill, we have achieved something, and that the exercise in which we have been engaged has not been completely worthless.

4.30 pm

Philip Davies (Shipley) (Con): May I congratulate my hon. Friend the Member for Christchurch (Mr. Chope), without whose herculean efforts the voice of pedlars would never have been heard in this House? No matter which side of the fence hon. Members are on in this debate or how they might vote if the matter is pressed to a Division, I am sure they agree that he has done a tremendous job of bringing the legitimate concerns that many people have about these Bills to the House.

I also congratulate my hon. Friend the Member for Canterbury (Mr. Brazier), who does what he always does, which is do what he genuinely believes is in the best interests of the people of Canterbury. He should be commended on that. The same goes for the hon. Member for Nottingham, East (Mr. Heppell), who is doing what he believes is in the best interests of his city and his constituents. I am sure he would agree that his case was ably made by the hon. Member for Manchester, Central (Tony Lloyd) in his contribution.

I am concerned about the Bills for a number of reasons, which I shall go through with reference to various clauses. I am particularly concerned about clause 4 of the Nottingham City Council Bill. Whereas my hon. Friend the Member for Canterbury has agreed with his council to make the concession on ticket touting—as he would accept, the measure slightly muddied the waters of the overall debate—a measure on ticket touting is still in clause 4 of the Nottingham City Council Bill. That is most unfortunate. I hope that Nottingham city council will reflect, as my hon. Friend and his council did, on whether it is worth pursuing that measure.

I was struck by my hon. Friend's remarks on clause 4 when he spoke of its compatibility with the services directive. I am not one to stand up in Parliament and say that the House should concern itself with ensuring that its legislation meets the approval of the European Union—indeed, as many people know, I would much prefer to be out of the wretched European Union altogether—but we are where we are.

Martin Horwood: Will the hon. Gentleman therefore support the in-out referendum supported by the Liberal Democrat party? I believe that that is now the only referendum supported by any of the major political parties.

Mr. Deputy Speaker: Order. That really is not a very helpful intervention at this stage.

Philip Davies: I regret giving way to the hon. Member for Cheltenham (Martin Horwood), Mr. Deputy Speaker. I shall try to resist the temptation in future should he catch my eye.

We are where we are on European legislation—unfortunately—and it is perfectly clear that any legislation that the House passes today must meet the services directive. It seems to me that my hon. Friend the Member for Christchurch made a compelling case, which I did not hear anyone deny, that the ticket touting aspect of the Bill does not meet the requirements of the services directive. I do not see how the House can pass legislation that we know, in our heart of hearts, cannot be maintained, justified and sustained in a court of law. That would be an entirely pointless exercise. That is one very deep concern I have about clause 4. I was not aware of the problem before, and I am grateful to my hon. Friend for making the House aware of it.

I am particularly concerned with clause 4 of the Nottingham City Council Bill, which clearly states that it would deny people the chance of

> "purchasing…or offering to purchase any ticket for gain or reward".

Why on earth Nottingham city council has taken it upon itself to determine the law relating to ticket touting in its Bill is beyond me. This ill-considered—in fact, barely considered—provision would drive a coach and horses through the law on ticket touting. As my hon. Friend the Member for Christchurch generously mentioned in his speech, I am a member of the Culture, Media and Sport Committee which had an inquiry into the merits of ticket touting only last year. We took huge swathes of evidence from consumers, people involved in the industry and ticket touts themselves—including those who work on street corners and those with websites—as well as the Office of Fair Trading, which has made it clear that it believes that touting acts in the best interests of consumers and it has no reason to want to try to ban it. In fact, there have been very few cases in which anybody trying to restrict the selling on of tickets has taken a case to court, because such cases are very flimsy and would not be allowed. However, Nottingham city council has decided to put the subject in the middle of clause 4 of its Bill.

The touting provision could lead to a ridiculous situation for someone who bought a ticket for a large event in Nottingham. I am aware that Nottingham Forest and Notts County are not as well supported as they were in their heyday a few years ago, but the latter are back on the way up, and the former are doing better than they were—

Madam Deputy Speaker (Sylvia Heal): Order. The hon. Gentleman is straying too far when he starts to discuss the performance of football clubs, however interested he is in that issue.

Philip Davies: I do not wish to bore you or the House Madam Deputy Speaker with the recent performance of the Nottingham football teams, so I shall move to the point that I was trying to make.

Mr. Chope: Is it right to say that the value of tickets for football matches is likely to depend on the success or otherwise of the team concerned?

Philip Davies: I am sure that my hon. Friend is right. The value is determined by the number of people who wish to attend, and some teams attract more spectators when they are not doing so well than others. Football is not perhaps the best example, because ticket touting is not allowed. However, there are some big stadiums in Nottingham that might host some big events, such as pop concerts, that see great demand for tickets. People who buy a ticket may not be able to attend, perhaps for work reasons. They will have shelled out money for that ticket and so, understandably, they wish to sell it to someone who can go. There is nothing wrong with that; it happens all the time and it is a legitimate activity. However, under Nottingham city council's Bill, anyone in that situation would not be allowed to sell on their ticket to someone who wished to pay above the odds for that ticket, even though the person selling wanted to sell and the person buying wanted to buy at that price. That is why the Select Committee concluded that a secondary market in tickets was legitimate. Why would we wish to pass a Bill in which Nottingham city council decided unilaterally to opt out of certain important national laws?

Mr. Bone: I am slightly confused, because page 18 of the transcripts of the Unopposed Bill Committee says that both the Canterbury and Nottingham Bills deal with tickets, although my hon. Friend says that it is just the Nottingham Bill.

Philip Davies: My hon. Friend is partly right. The Canterbury Bill includes the restriction on selling tickets on the secondary market, but our hon. Friend the Member for Canterbury has agreed, in discussions with his council, and has made it public that even though that restriction is in the Bill, the council will strike it out, so it will not apply in Canterbury. That is a helpful development, because it slightly muddied the waters. However, although Canterbury council has agreed to do that, Nottingham has not. If we pass the Nottingham Bill as it stands, it will deal not only with the issue of pedlars, which may or may not be a problem that Nottingham wishes to deal with, but with ticket touting and the selling of tickets on the secondary market in Nottingham city.

Mr. Chope: My hon. Friend refers to the provisions in clause 11 of the Canterbury Bill. He will be aware that on 29 October 2008—at column 996—the then Minister responsible said that the Government "would be interested in" discussions on a possible amendment to clause 11. Obviously, that is no longer necessary, because we have been told by our hon. Friend the Member for Canterbury that clause 11 is going to be removed. Surely, however, we should expect the Minister to be interested in discussions on whether the provisions of this part of the Nottingham City Council Bill should be amended as well.

Philip Davies: My hon. Friend is, as usual, absolutely right. We have got ourselves into a ridiculous situation. The Government are helpfully putting out a consultation to see whether national legislation on pedlars could be introduced, but we are here making these decisions about particular cities before we have even had the responses to the consultation or had the Government's response. We do not really know the merits of the arguments on either side, but we are being asked to pass legislation that will affect those areas.

The same point applies to the issue of ticket touting in Nottingham. The Government have been carrying out a consultation on selling tickets on the secondary market, but they have yet to bring forward their proposals on the matter, if they wish to make any. It seems absurd to put the cart before the horse in relation to pedlars, without knowing what the Government's response on that issue is, and absurd to do exactly the same thing on ticket touting.

I want to make another point about ticket touting. Everyone understands that selling tickets on the secondary market benefits those who sell the tickets, but I want to make it abundantly clear that the system works just as well for people who purchase tickets. Someone who wishes to go to an over-subscribed event, but who does not know when the tickets will come on sale, whether they will be able to go or whether their work will give them the time off, will have to resist the temptation to buy a ticket. They will not be able to guarantee that they can go. Many organisers do not allow refunds; that is one of the issues involved. If that person later finds that they can go to the event, but it is sold out, the practice of ticket touting gives them the one opportunity they have to purchase a ticket. They might have to pay over the odds for that ticket, but that is their choice. If they do not want to pay that amount of money, nobody forces them to do so. Ticket touting gives them the opportunity to make that decision, rather than it being taken out of their hands.

Mr. Chope: Will my hon. Friend confirm that that activity is often engaged in by Governments, particularly their diplomatic corps? If a guest to the country expresses an interest in going to an event for which tickets were not bought in advance, the corps will find tickets in order to indulge the guest and to promote diplomacy.

Philip Davies: My hon. Friend may or may not be right about that. I am not particularly well up on the procurement activities of the diplomatic service when it comes to tickets for events. He may know more than I do. I am making the case that ticket touting and a secondary market in tickets are in the best interests of consumers on both sides of the fence. Other people may take a different view, but I am passionately against the Bills because they drive a coach and horses through the principle of ticket touting.

A more general point is that whatever people's view about the desirability or otherwise of ticket touting and selling, it would surely be nonsensical to have a different law relating to Nottingham from those that apply in any other part of the country. It would bring laws passed in this House into utter contempt if, after the House had expressed an opinion on whether something was a good thing that acted in the interests of consumers, one particular city decided to do something completely different on a matter of national importance.

Mr. Bone: My hon. Friend is making a powerful speech, but on this particular issue he has perhaps given the impression that touting benefits only rich people who pay over the odds for tickets. Quite often there is an oversupply of tickets and people can buy them at a discount, which enables them to go to events that they would not normally be able to afford to go to.

Philip Davies: My hon. Friend is clearly right, but that probably does not really apply to these Bills, which, to be fair, are intended to stop such activity only when a ticket is being purchased or offered for purchase "for gain or reward". My understanding is that if somebody were trying to sell a ticket at below the price they paid for it, they would not be trying to sell it for gain or reward.

Mr. Bone: I did not make myself clear. What happens is that the tout buys the ticket at a discount from somebody who is not going. He than has to sell it on, because he cannot sit on it, so often he will take a loss because he wants to get rid of it.

Madam Deputy Speaker: Order. We have explored the issue of ticket touting for quite some time, and I think the hon. Member for Shipley (Philip Davies) has made his point. Perhaps he would like to move on to some other aspects of the Bill.

Philip Davies: Of course, Madam Deputy Speaker. I could go on at length about ticket touting, because it is a subject about which I feel strongly, but I will certainly accept your ruling and move on.

I turn to clause 5 in both Bills, about which I have particular concerns. As my hon. Friend the Member for Christchurch indicated, at the moment pedlars obtain a certificate from the police that entitles them to act under its authority anywhere in England, Wales and

Northern Ireland for a period of one year. After that time they need to renew it and we start all over again. The problem with the clause is that all people who wish to take part in the activity in question will have to be licensed by the consent of the council if they wish to carry on street trading, in order to be subject to the controls in schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

The whole tenor of these Bills is, if not to harass pedlars, as my hon. Friend said, certainly to make it abundantly clear that they are not welcome in the cities in question and to move them on. My concern is that even though someone may have a perfectly valid pedlar's certificate that has been granted by the police, because they will now have to be given certificates by the local council and have the council's consent to operate, it will be made abundantly clear to them that they are not wanted. The Bills might go through the charade of laying down rules and regulations to make pedlars know where they stand, but I fear that councils will use clause 5 in particular to make it clear that they do not want pedlars and have no desire to give them a certificate, that they will not be licensed and that they should move on. The tenor of the Bill is rather sinister in that respect, because everything in it is designed to make life as uncomfortable as possible for pedlars, even when they are not behaving in a manner that is of any concern to anyone and when they are just going about their legitimate business. We should not support legislation with such an edge to it.

Mr. Chope: Is not the essence of a pedlar that they are not likely to settle, or trade, in one area? They will wish to pursue their trade in different towns up and down the country at different times of the year and to have that flexibility. They could not reasonably be expected to apply for a street trading licence each time they visit a particular town. Many such street trading licences are available only to those who want to have a stall on a regular basis.

Philip Davies: My hon. Friend is right. I am a fan of localism for many things, but in this case, where people, by definition of their trade, wish to travel around different parts of the country, plying their trade wherever they think they have the best advantage at that time, it is ridiculous to have separate Bills with separate powers and requirements, or to expect a pedlar to know the ins and outs of what applies in different towns. To be honest, that is unrealistic and unfair.

If anybody thinks it reasonable for pedlars to have to abide by different rules in different places, and to know where to go for their local authority licence and which council it applies to, I invite them—with the exception of my hon. Friend the Member for Christchurch, who has become a world-leading authority on the issue—to tell me the difference between each regulation, applying under the different Bills, in different towns. I suspect that those here, debating this legislation, could not give an accurate appraisal of the exact differences between towns. So how on earth do we expect pedlars, who are merely trying to go about their everyday business, to know the ins and outs of every single difference? It is beyond me.

Mr. Bone: My hon. Friend is being extremely generous in giving way. Is he aware that the mean difference travelled per day by a pedlar is 95 miles, that the median is 66 miles and that on average a pedlar visits 25 cities a year? How could the average pedlar know which regulations apply in which part of the country?

Philip Davies: My hon. Friend is right. He makes the case perfectly. It is unfair to place such burdens on pedlars, and they cannot be expected to know all the nuances of the regulations in different towns.

Mr. Chope: Can that point be reinforced by the fact that the Durham university research was carried out not with individual pedlars across the country, but using so-called snowball sampling? The only way of contacting pedlars collectively was to contact one and rely on that pedlar to contact others and so on—like a snowball.

Philip Davies: My hon. Friend is right. The other related point is that, when the Bills first came before the House, we did not have things such as the Durham university research to guide us. Things have moved on considerably. Actually, the more that we have learned about this particular industry, as time has passed, the less of a case has been made for the Bills. My hon. Friend the Member for Wellingborough (Mr. Bone) made a point about the distances that people travel. We are always trying to find ways of tackling obesity, so I would have thought that we would be trying to encourage, rather than curtail, that sort of exercise among the public.

I wish to talk about the clauses dealing with the seizure of goods. My hon. Friend the Member for Christchurch made a good point that articles can be seized when a person is reasonably suspected of committing an offence, as opposed to when they are reasonably believed to have committed an offence. That is a very soft test. He feared, as I do, that local authorities could use that rather soft test to reinforce their hassling of such people and make them aware that they do not want them in their city at all. That was a very good point; however, I am particularly concerned about what happens under the clauses following those provisions after someone's goods have been seized.

The Bills allow perishable items to be seized, yet clause 8 of both Bills says that seized items would have to be returned

> "at the end of the period of 56 days beginning with the date of seizure,"

if

> "no proceedings have been instituted".

Fifty-six days is an awfully long time for someone to go without goods that have been taken from them unfairly and without good reason. Two things flow from that. First, perishable goods are of absolutely no use to anybody after 56 days and could not be sold on. However, even where goods are not perishable, a lot can happen in 56 days. Earlier speakers referred to some of the things that people sell. They could include topical things or things that, although not perishable, have a short shelf life, owing to public demand being based on events. Returning such goods to someone after 56 days, when there is no longer any market for them, is of absolutely no use to anyone.

Mr. Bone: I want to take my hon. Friend back a few paragraphs in his speech. We have established that, under clause 7(4) of the Bills, a pedlar can claim back

[Mr. Bone]

perishable goods within 48 hours. However, 48 hours would make some perishable goods, such as flowers, pretty much useless.

Philip Davies: My hon. Friend is right. Indeed, clause 7 says that perishable items that are seized may be disposed of within 48 hours. His interpretation of "disposed of" might be different from mine—we could argue the toss about that and about whether it involves returning the goods, which is a different matter—but I will let people make up their own minds about that. My point is that returning non-perishable goods after 56 days is equally of no use to the people concerned, in many cases because of the nature of the goods being sold.

However, if things are taken unfairly and then returned, or not as the case may be, or if they have been disposed of in some other way, and the pedlar, quite legitimately, wants compensation, clause 10 of the Nottingham City Council Bill—a similar provision applies in the Canterbury City Council Bill—provides for compensation to be paid to anyone who had a legal interest in them at the time of their seizure, where that seizure was unlawful. That is all very well, but there are two sides to that. First, any compensation paid would presumably be based on the cost price of the goods concerned—that is, the cost at which the pedlar bought them, not the price at which they intended to sell them. In real terms, therefore, the pedlar will be at a loss, because he would have realised more money for those goods than the amount by which he will be compensated. However, in order to gain such compensation under the Bills, the pedlar is also expected to go to the county court.

Given that we are talking about somebody who has had their assets taken from them—often assets that they need to make a living—and given that they perhaps could not afford to reinvest in any replacement goods, because the income that they had expected to derive from selling the original goods has not come in, that person might have been without an income for 56 days. Expecting them then to pay the costs of going to court to try to recover any compensation seems wholly unrealistic and, to use a term that has been used many times in this debate, disproportionate.

Mr. Chope: Is it not even worse than that, because, in order to get compensation, someone would have to establish that the person who had seized the goods did not have a reasonable suspicion that an offence was being committed? Case law shows that the test of reasonable suspicion is less than that required to establish a prima facie case.

Philip Davies: My hon. Friend is absolutely right. It would be wholly unfair to impose these restrictions and potential costs not only on pedlars but on anyone.

Mr. Bone: Much of my hon. Friend's speech has concentrated on pedlars and on how they will be done down by the Bill, but will not consumers also lose out if they do not have the opportunity to buy from pedlars?

Philip Davies: That is a good point. Pedlars can make a living only if people are prepared to buy their products. Presumably, the fact that people want to buy those products at the price at which they are being offered shows that the pedlars are, by definition, providing a useful service to the local community. If they were not doing so, they would not sell anything and, presumably, they would not stay in that place very long. My hon. Friend is right: by definition, these people are providing a very good service in the local community.

I want to make some progress, so I shall now move on to clauses 12, 13, 14 and 15 of the Nottingham City Council Bill, which relate to fixed penalty notices. I am not particularly comfortable with extending the powers of council officers to serve such notices whenever they see fit. This is not a good way to make and apply law, and we should hesitate before passing Bills that extend such powers to local authorities.

Clause 13 provides that the council must fix the level of the penalties, which will, to a certain extent, provide it with a blank cheque. Clause 14, however, provides the Secretary of State with reserve powers to reduce the level of a fixed penalty if he considers it excessive. The Bill seems to be telling the local authority that it can set the level but, if the Government think it excessive, they will change it.

Mr. Bone: My hon. Friend is making a valid point; I had not thought of that before. However, the Bills set out specific provisions for each council. They have no national application, so why cannot the fixed penalty rate be specified in each Bill?

Philip Davies: My hon. Friend anticipates my next point. If one clause allows the council to set a fixed penalty at a level that it deems reasonable, and the following clause says that the Secretary of State has the power to reduce it if he considers it excessive, we seem already to be in a position to set the level ourselves. Presumably, if the Secretary of State is going to judge whether the level is excessive, he will have to have an idea of what an appropriate level would be. We could therefore short-circuit the system by setting a specific amount in the Bills. Will the Minister enlighten us as to what the Government would consider excessive? We would then know where we stood, which would be helpful. Without that, I fear that local authorities will set excessive fixed penalty amounts and that we will give them a blank cheque to do so.

Mr. Chope: Does my hon. Friend accept that the biggest mischief is the trigger point for establishing the fixed penalty notice? The requirement under clause 12 of the Canterbury City Council Bill is that

> "an authorised officer, constable or... a community support officer finds a person who he has reason to believe has... committed... a relevant offence".

It does not say that the officer has to have reasonable grounds, which would be a higher threshold, as he just needs "reason to believe". Even if the reason were mistaken, the officer would still be entitled to impose a fixed penalty notice under the Bill.

Philip Davies: My hon. Friend is absolutely right. This is another unfair element of the Bill. Of course, if someone reserves the right not to pay the fixed penalty notice, they would presumably find themselves in court and it would be for the court to decide whether or not they should have to pay. I am sure my hon. Friend would agree that that creates a big financial risk for the pedlar concerned, who has to take a gamble—it could be quite a costly gamble in many cases—where he feels that he has done nothing wrong yet has been served with this fixed penalty notice. I suspect that in many cases even people who feel that they have been badly done by would feel obliged to pay the fixed penalty notice because of fear about a much bigger penalty further down the line. My hon. Friend is absolutely right that these notices could be given out in a far too willy-nilly way for my liking. This legislation, which we are on the verge of passing today, will allow the authorities to hand out these fixed penalty notices willy-nilly—in a way that I think most people would consider unreasonable.

Mr. Chope: I am sure that my hon. Friend would accept that it would be an exaggeration to say that it is equivalent to "your money or your life", but what is being said and what will effectively happen in practice if the provisions come into law is that pedlars will be faced with a choice of either paying the fixed penalty notice or facing the forfeiture of their goods.

Philip Davies: Exactly. My hon. Friend is absolutely right that it is a Hobson's choice. It might not be "your money or your life", but it could easily be "your money or your livelihood". My hon. Friend is absolutely right to focus on that issue.

Further clauses about which we should at least raise an eyebrow relate to the accounting and application of fixed penalty receipts. It looks as if in respect of the Nottingham City Council Bill there is slavering at the mouth at the prospect of what the council may do with any surplus in the accounts raised from the application of these fixed penalty receipts. If we are talking about excessive or otherwise figures, any surplus in the accounts raised by these particular fixed penalties must, by definition, be excessive because they go over and above what is required in order to administer the scheme. In one clause we are being asked to support the council in providing a level of fixed penalty that is reasonable for administering the street trading regime, yet a later clause talks about what might happen if there is any surplus in these accounts, which does not fill me with a great deal of confidence.

Mr. Bone: On that last point, whatever we think about the individual Bills, the Nottingham City Council Bill, with all this talk of

> "surplus... applied to purposes connected with the improvement of the amenity of the city or any part of the city"

seems to be being used to raise money for the council rather than to regulate pedlars. It seems to be a money-raising exercise.

Philip Davies: My hon. Friend may be right or may be wrong. It is difficult to know at this stage the main motivation behind these provisions, but he raises a very good point. I fear that the powers given to local authorities by these Bills will inevitably lead to some people on the council using them as a money-raising exercise, perhaps to plug the financial hole that will no doubt be left in local government because the Government are spent up and there is no money in the kitty for the future. I worry about the full implications of that.

In summary, these two Bills are flawed on many levels. I do not doubt the honourable intentions of my hon. Friend the Member for Canterbury and the hon. Member for Nottingham, East, as they are clearly trying to do what is best for their local areas, but we must also consider the bigger picture of national law. Whatever aspect of the Bills that Members may be unhappy or nervous about—pedlars or ticket touting, for example—given that the Government have consultations under way on all these matters with responses from both sides of the argument, which they are considering very thoroughly, it would be premature to pass legislation in this way at this stage.

When legislation passes through the House, many organisations employ expensive lobbyists and have powerful groups to argue on their behalf. Pedlars are a disparate group by definition, and they probably do not have the resources to employ expensive lobbyists to argue on their behalf. My hon. Friend the Member for Christchurch has done a tremendous job in arguing their point of view, but even with that, and with the reports and the research he has shared with us, I fear we are in danger of passing legislation without fully understanding its implications for pedlars.

Mr. Chope: I thank my hon. Friend for those very generous comments. There is another point: a disproportionate cost burden falls on the pedlars and the big councils. If councils were to reveal exactly how much money they had spent on funding Sharpe Pritchard and its advisers, their council tax payers might take the view that they were mistaken in putting so much emphasis on promoting these Bills.

Philip Davies: I think my hon. Friend is right. It is for the people in those areas to determine whether their authorities have spent too much time and money on all of this, but although they may have done so, my main concern is that these Bills are misguided. Considerable damage could be done to people trying to go about their legitimate business of selling goods for the benefit of their local community. We should think very carefully before passing, in a flash, legislation that could have very serious consequences for many people who are trying to do their best and to raise some much needed money for their households.

Mr. Brazier: Our discussion has been wide-ranging—and rather long for a Third Reading debate. I urge the House to support the Third Reading of both these Bills.

Tony Lloyd: I wish to move the Nottingham City Council Bill formally, Madam Deputy Speaker.

Madam Deputy Speaker (Sylvia Heal): We will make a decision on the Canterbury Bill first.

Question put, That the Bill be now read the Third time.

The House divided: Ayes 99, Noes 11.

Division No. 40] **[5.14 pm**

AYES

Amess, Mr. David
Bailey, Mr. Adrian
Bain, Mr. William
Battle, rh John
Bayley, Hugh
Bellingham, Mr. Henry
Betts, Mr. Clive
Blizzard, Mr. Bob
Blunt, Mr. Crispin
Bottomley, Peter
Brown, Lyn
Browne, rh Des
Bryant, Chris
Burstow, Mr. Paul

Butterfill, Sir John
Chaytor, Mr. David
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Clwyd, rh Ann
Dismore, Mr. Andrew
Djanogly, Mr. Jonathan
Drew, Mr. David
Duncan, Alan
Eagle, Angela
Engel, Natascha
Evans, Mr. Nigel
Fabricant, Michael
Gapes, Mike
George, rh Mr. Bruce
Gerrard, Mr. Neil
Goodman, Helen
Grayling, Chris
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gwynne, Andrew
Hain, rh Mr. Peter
Harman, rh Ms Harriet
Hayes, Mr. John
Hendry, Charles
Heppell, Mr. John
Hill, rh Keith
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Iddon, Dr. Brian
Irranca-Davies, Huw
Jenkin, Mr. Bernard
Keen, Ann
Kemp, Mr. Fraser
Kidney, Mr. David
Knight, rh Jim
Laing, Mrs. Eleanor
Letwin, rh Mr. Oliver
Lewis, Dr. Julian

Love, Mr. Andrew
MacShane, rh Mr. Denis
Marris, Rob
McCarthy, Kerry
Miller, Andrew
Naysmith, Dr. Doug
Neill, Robert
Olner, Mr. Bill
Öpik, Lembit
Osborne, Mr. George
Penrose, John
Pound, Stephen
Prescott, rh Mr. John
Raynsford, rh Mr. Nick
Ruddock, Joan
Ryan, rh Joan
Selous, Andrew
Sheerman, Mr. Barry
Skinner, Mr. Dennis
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swire, Mr. Hugo
Taylor, Mr. Ian
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Twigg, Derek
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Vaz, rh Keith
Villiers, Mrs. Theresa
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Winterton, rh Ms Rosie
Wright, Mr. Anthony
Wright, Mr. Iain

Tellers for the Ayes:
Mr. Julian Brazier and
Tony Lloyd

NOES

Davies, Philip
Field, Mr. Mark
Hands, Mr. Greg
Hollobone, Mr. Philip
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Pelling, Mr. Andrew

Steen, Mr. Anthony
Tyrie, Mr. Andrew
Winterton, Ann
Winterton, Sir Nicholas

Tellers for the Noes:
Mr. Peter Bone and
Mr. Christopher Chope

Question accordingly agreed to.

Bill read the Third time and passed.

Nottingham City Council Bill

Third Reading.

Motion made, and Question put, That the Bill be now read the Third time.—*(Tony Lloyd.)*

The House divided: Ayes 85, Noes 10.

Division No. 41] **[5.30 pm**

AYES

Amess, Mr. David
Bailey, Mr. Adrian

Bain, Mr. William
Battle, rh John

Bayley, Hugh
Betts, Mr. Clive
Blizzard, Mr. Bob
Blunt, Mr. Crispin
Bottomley, Peter
Brazier, Mr. Julian
Brown, Lyn
Browne, rh Des
Bryant, Chris
Burstow, Mr. Paul
Butterfill, Sir John
Cash, Mr. William
Chaytor, Mr. David
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Clwyd, rh Ann
Dismore, Mr. Andrew
Djanogly, Mr. Jonathan
Eagle, Angela
Engel, Natascha
Evans, Mr. Nigel
Fabricant, Michael
Gapes, Mike
George, rh Mr. Bruce
Goodman, Helen
Grayling, Chris
Greening, Justine
Greenway, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Harman, rh Ms Harriet
Hayes, Mr. John
Heppell, Mr. John
Hill, rh Keith
Horwood, Martin
Howarth, David
Howell, John
Hughes, Simon
Hurd, Mr. Nick
Iddon, Dr. Brian
Irranca-Davies, Huw
Jenkin, Mr. Bernard

Keen, Ann
Kemp, Mr. Fraser
Kidney, Mr. David
Lewis, Dr. Julian
Love, Mr. Andrew
MacShane, rh Mr. Denis
Marris, Rob
McCarthy, Kerry
McIntosh, Miss Anne
McNulty, rh Mr. Tony
Naysmith, Dr. Doug
Neill, Robert
Olner, Mr. Bill
Öpik, Lembit
Penrose, John
Pound, Stephen
Raynsford, rh Mr. Nick
Ruddock, Joan
Ryan, rh Joan
Skinner, Mr. Dennis
Soulsby, Sir Peter
Spellar, rh Mr. John
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swire, Mr. Hugo
Taylor, Mr. Ian
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Twigg, Derek
Vaizey, Mr. Edward
Vaz, rh Keith
Villiers, Mrs. Theresa
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wright, Mr. Anthony
Wright, Mr. Iain

Tellers for the Ayes:
Andrew Miller and
Tony Lloyd

NOES

Davies, Philip
Hands, Mr. Greg
Hollobone, Mr. Philip
Liddell-Grainger, Mr. Ian
Pelling, Mr. Andrew
Steen, Mr. Anthony
Stuart, Mr. Graham

Tyrie, Mr. Andrew
Winterton, Ann
Winterton, Sir Nicholas

Tellers for the Noes:
Mr. Peter Bone and
Mr. Christopher Chope

Question accordingly agreed to.

Bill read the Third time and passed.

PETITION

Sri Lanka

5.40 pm

Mr. Paul Goodman (Wycombe) (Con): I rise to present a petition on behalf of 227 of my constituents in Wycombe.

The petition states:

The Petition of constituents of Mr Paul Goodman MP for Wycombe and others.

Declares that following the end of hostilities in Sri Lanka as announced by President Mahinda Rajapakse, more than 280,000 Tamil civilians, including at least 50,000 children, remain detained indefinitely in cramped, squalid military run camps in the north of the island in breach of international law; further declares that there is a severe lack of medical and humanitarian aid for the needs of these wounded malnourished and severely traumatised war victims; further declares that with the current flooding, spread of diseases and the onset of the Monsoon rains the conditions in these already dilapidated camps will worsen drastically resulting in further deaths; further declares that the detained Tamil people are being held against their will, without any freedom of movement, with the intention of making these camps permanent; further declares that the traditional lands of these people are being colonised and illegally occupied by the armed forces; further declares that it is suspected that thousands of Tamils who are not accounted for are being detained incommunicado by the Sri Lankan armed forces; further declares that the perpetrators of war crimes and breaches of international law in Sri Lanka remain free from prosecution.

The Petitioners therefore request that the House of Commons urges HM Government to press for the implementation of the following: the United Nations, International Red Cross and voluntary agencies must be given full access to care for and protect the civilians in the camps, and then help them to return to their traditional homeland in the north and east; a list of all those still alive and in custody should be published, so that families can stop searching for loved ones who are dead; any who continue to be detained as alleged LTTE combatants must be treated in accordance with the provisions of international law, and urgently given access to legal representation; accountability processes must be established to ensure that international aid is not diverted to purposes other than those for which it was given; UN monitors must be given free access to all parts of the island; there must be a full UN investigation into war crimes committed during the war.

And the Petitioners remain, etc.

[P000709]

Andrew Symeou

Motion made, and Question proposed, That this House do now adjourn.—*(Mr. Watts.)*

5.43 pm

Joan Ryan (Enfield, North) (Lab): I am very grateful for the opportunity to bring the continuing incarceration of my constituent, Mr. Andrew Symeou, to the attention of the House and of the Minister for Europe.

As the Minister will know, Andrew, a 21-year-old man, has now been detained in Greece for nearly six months. His ordeal, however, began more than 18 months ago when the arrest warrant was first issued. Since then, I have been working closely with Andrew and his family. In that time, I have raised the issue with the Prime Minister, the Foreign Secretary, the Home Secretary, the Justice Secretary and other Ministers. I have led a delegation to the Greek embassy and made representations to Ministers in Athens, and I am in frequent contact with consular staff in Greece. Yet Andrew still languishes in a prison that most international observers agree is one of the worst in Europe, denied bail and left with no information about when the case will come to court and, therefore, offered no end in sight. In the words of Andrew's family and friends, who took their concerns to the Greek embassy on Saturday, enough is enough.

This Adjournment debate therefore comes at a crucial time and offers an opportunity for me to represent my constituent and raise these very serious issues directly with the Minister.

I have two main concerns about Andrew's detention to raise this evening: first, the refusal of the Greek authorities to grant Andrew bail; and secondly, the number of inconsistencies and anomalies in the case file, which Andrew's legal team have obtained. When taken together, those suggest that, at best, there has been a serious abuse of process in the gathering of evidence and the production of written statements, and at worst that evidence has been manipulated and sometimes fabricated to incriminate Andrew falsely.

More to the point, even though those concerns have been repeatedly brought to the attention of the Greek authorities, they have been dismissed out of hand, which I believe raises real doubts about whether Andrew can expect to receive a fair trial. If the Greek authorities are unwilling or unable credibly to investigate those issues, it is incumbent on the British Government to raise them directly with the Greek Government.

At the outset, however, it might be useful briefly to set out the background to the case. In the early hours of Friday 20 July 2007, Jonathan Hiles, a young man from Wales, on the eve of his 19th birthday, was punched and fell from a stage at the Rescue nightclub on the island of Zakynthos. A few days later, he tragically died in hospital in Athens. Almost a year later, on 26 June 2008, my constituent, Andrew Symeou, was arrested under the European arrest warrant and charged with the manslaughter of Jonathan Hiles.

More than a year later, on 23 July 2009, Andrew was extradited to Greece, where he has been detained since. Until November, he was detained in a juvenile prison in Aylona. Since then, he has been held at the notorious maximum security Korydallos prison. Amnesty International and other non-governmental organisations have repeatedly raised serious concerns about conditions

[Joan Ryan]

in Korydallos, which they believe amount to inhuman and degrading treatment, including poor hygiene in cells, lack of access to association, fresh air, exercise facilities and prompt medical treatment.

Andrew, a student at Bournemouth university, with a bright future, no history whatever of law-breaking and a string of impeccable testimonials and character references from his teachers, is now forced to share a cell with convicted murderers, rapists and drug smugglers. He has twice been denied bail, even though he has, at every stage of the investigation, fully co-operated with the police, and even though his uncle, who has a property in Athens, has offered his home as a fixed address where Andrew could reside.

In the first instance, Andrew was denied bail on the ground that he is a foreign national—he was therefore perceived to be a flight risk. The European convention on human rights, to which Greece is a signatory, makes clear that discrimination on the basis of national origin is unlawful. An appeal was lodged against the refusal of bail. For months, neither my constituent nor his legal team, never mind British officials in Greece, who inquired about the status of the application on a number of occasions, were given any information about when the appeal was likely to be heard. In fact, the appeal was denied before my constituent or his legal team were actually informed that an appeal was taking place—before Andrew's lawyer could make any oral arguments to the judge, and before Andrew was given the right to defend himself or argue his case.

Article 6 of the ECHR provides defendants with the right to defend themselves in person or through legal assistance of their choosing. When Andrew was finally informed that his application for bail had been refused, he was informed only in Greek. He was given a document written in Greek and told by one of the prison guards to sign it, even though he could not read it. When he initially refused, he was told he had no choice. When Andrew requested that the document be sent to his lawyer, the guard refused. When Andrew asked to speak to his parents, the guard said no. Under the European convention on human rights, detainees have an unambiguous and unqualified legal right to receive any documentation pertaining to their case in a language they understand. But Andrew was not afforded this right.

Andrew's legal team in the UK are currently preparing an application to the European Court of Human Rights on these grounds. But we know that applications of this kind can take months, if not years, to be processed. If the Greek authorities will not give Andrew a fair hearing, who will ensure that his rights are protected? Surely the British Government have a duty to step in when the rights of their citizens are threatened. On that precise point, I ask the Minister to make representations to the Greek authorities requesting that a date is set for Andrew's trial promptly and that the decision not to grant him bail pending trial is reconsidered and that he granted it.

There are, in addition, serious inconsistencies in the case file, which my constituent's legal team has obtained, and which it believes are suggestive of a serious abuse of process. The case file that allegedly implicates Andrew consists of witness statements given by seven individuals. Two of these statements were given by friends of Andrew on 24 July. They were held at the police station for more than eight hours, deprived of food and water, beaten—allegedly—and threatened by police officers until they gave false statements implicating Andrew. This was reported to the British embassy in Greece at the time, although, as I understand it, the case was never pursued. The friends have, in addition, subsequently returned to Greece in June 2009 and testified, under oath, that the statements they gave were false and only obtained under duress. Both young men have made it clear that they did not see who punched Jonathan Hiles.

More worrying, though, is that even though the public prosecutor is aware of the allegations, she has so far refused to acknowledge that anything of the sort could possibly have ever happened. In her proposal to the judicial counsel of Zante, without even bothering to have investigated the allegations, which all of us would agree are serious in their own right and clearly relevant to the case against Andrew, she dismisses the allegations out of hand as "trite" and claims that

> "nothing of the kind had occurred."

How can she assert with such confidence and certainty that nothing of the kind occurred, if the allegations have never been investigated? If this is the cavalier attitude to justice that Andrew can anticipate when the case comes to court, how can he expect to receive a fair trial?

The other five witness statements in the case file were given by friends of Jonathan Hiles. They too suggest an abuse of process in the gathering of evidence and the production of written statements. These five statements, which were taken at different times on different days, are word-for-word identical—not just similar, not just alike, but word-for-word identical. How likely is it that five witnesses being interviewed at different times on different days would provide officers with statements that are word-for-word identical?

When the details are probed further, even more discrepancies come to light. On all of the statements that were taken, the name of the officer is recorded. When the five statements are put together, they show that Zante police officers were, somehow, holding interviews with different individual witnesses at the very same time. That is not simply improbable, unlikely or suspicious: it is a physical impossibility. Those officers could not have been in different places at the same time. What gives me greater cause for concern is the fact that the statements bear no resemblance to statements that were subsequently given to South Wales police as part of a coroner's inquiry into Jonathan's death. Four of the five remaining witnesses have categorically stated that they did not see who punched Jonathan, but in their statements to police in Zante each one of the witnesses allegedly says, in reference to Andrew:

> "I identified with complete certainty and I am absolutely sure that the individual shown...is the perpetrator".

By contrast, in their statements to South Wales police, the same witnesses deny having ever seen who punched Jonathan. One witness said:

> "I did not recognise anybody on these photos...as I said I didn't see the incident".

The only witness who did say that he saw Jonathan being punched described the perpetrator as being over six feet tall and blond. Neither of those descriptions bears any resemblance whatever to Andrew. So, of the seven witness statements that allegedly implicate him, two have since been withdrawn, four are contradicted by statements made in the UK in which the same witnesses categorically state that they did not see who punched Jonathan, and one—the only witness statement in which a perpetrator is actually identified—describes an attacker who bears no resemblance to Andrew.

I understand that the British Government have no direct jurisdiction over the judicial affairs of another country, but when the rights of one of our citizens are threatened, the Government have a duty to step in. It is no consolation to tell my constituent that all this will come to light in any subsequent trial. If the Greek authorities refuse to acknowledge, let alone investigate, any wrongdoing by the police, even though there is considerable evidence to suggest there has been some, if they abuse Andrew's rights by denying him legal advice and refusing him bail and if they refuse to question him or to afford him the right to defend himself against the allegations, why should he believe that he will receive a fair trial? All that he and his family have ever sought is a fair hearing. Andrew has never sought to avoid the opportunity to clear his name; nor has he tried to avoid justice. He has made it clear on countless occasions that he is willing to co-operate with the police. Indeed, his legal team have contacted Scotland Yard and South Wales police and urged them to investigate. Those are not the actions of someone who is trying to avoid justice.

Surely, wherever they are in the world, any British citizen who is pursuing justices should be able to rely on their Government to uphold their most basic rights. In this case, the potential for suffering is obvious and the need for justice is urgent. In the absence of any legal impediment that prevents them from doing so, surely the British Government have an obligation to take up Andrew's case—and Jonathan's case—with the Greek authorities.

Today, we reflect not only on the detention of Andrew Symeou, but on the tragic and untimely death of Jonathan Hiles and the suffering that it has brought to his family and friends. Jonathan cannot face a jury; his life was cut short in an act of mindless and senseless violence, but his memory deserves justice, as do his friends and family. They deserve better than this shoddy investigation that is so obviously marred by inconsistencies and anomalies. Another injustice will bring them no comfort. It is in the interest of everyone—Andrew, the family and friends of Jonathan Hiles and the Greek judicial system itself—for this case to be fully and openly investigated, but that will not be possible unless and until the British Government make representations in the clearest possible terms to the Greek authorities to prevent a miscarriage of justice. One young man has lost his life, and I urge the Minister to do everything he can to ensure that we do not ruin the life of another.

6 pm

Motion lapsed (Standing Order No. 9(3)).

Motion made, and Question proposed, That this House do now adjourn.—*(Mr. Watts.)*

The Minister for Europe (Chris Bryant): I pay tribute to my right hon. Friend the Member for Enfield, North (Joan Ryan), not only for securing this debate at a timely point, as she said, but for pursuing this case and many others affecting her constituents with determination, clear-sightedness and, as we have heard this evening, forensic determination. I know that she is a diligent constituency MP, and I pay tribute to her for that. One issue that she has taken particularly seriously is Cyprus, so it is perhaps ironic that we are talking now about a case in Greece.

As my right hon. Friend did, I pass on my condolences to the family of Jonathan Hiles. As she said, it is particularly difficult for someone to lose a young son but even more difficult to do so in a foreign clime where they do not understand the criminal justice system or speak the language. That means that it is very difficult for the family to arrange things conveniently and easily. She is absolutely right that the pursuit of not any old justice but a fair trial and justice is essential for the family of Jonathan Hiles, and that is obviously the outcome that we want.

I wish also to pass on my sympathy to the family of Andrew Symeou, because just as it has been horrendously difficult for Jonathan Hiles's family, so this must have been a very difficult time for the Symeou family. It is not for me to judge the rights and wrongs of the case, but whenever a British citizen is caught up in the criminal justice system in another country it is phenomenally difficult for their family. There are costs involved in travelling to support somebody and there are worries about having to deal with a legal system in a foreign language and a system built on very different premises from our own. Notwithstanding the fact that Greece is another member state of the EU, the criminal justice and prison system are clearly different from ours.

I thank the Foreign and Commonwealth Office staff in Greece, who often deal with very complicated issues surrounding criminal justice and British citizens abroad. I am keen to ensure that they have the skills and support they need to support British citizens when they are abroad.

My right hon. Friend knows that there are certain things that we can do. We can definitely provide welfare and support for a British citizen abroad. That is the single most important thing we can do, and we try to do it as diligently and swiftly as we possibly can. We can also, of course, take up justified complaints about the treatment of British citizens when it is not in line with international standards or when there has been a clear case of discrimination against the person involved. I hear her points about human rights and whether people are treated equally everywhere in the EU, which are very important.

I hope that my right hon. Friend and Andrew's family will understand that there are also some things that we cannot do. I know that she was not asking me to, but we cannot seek preferential treatment for a British citizen compared with the treatment that a Greek citizen would receive. We cannot get someone out of prison just because they are a British citizen, and we cannot interfere in the judicial process. That is key, because if we think about it the other way around, how would people in Britain feel if a Greek Minister rang me up and asked me to interfere in a court in the Rhondda, in Manchester or wherever, to try to get somebody released on bail or allowed to go back home pending trial? I know exactly what the courts would say in this country: "You have absolutely no power, because the separation of power between the courts and Parliament

[Chris Bryant]

is a fundamental premise of how we do business." From the forensic work and the compelling arguments she has presented, I know that my right hon. Friend understands that difficult element of the process. This is a particularly difficult case, because Mr. Symeou might well be held, pending trial, for up to 18 months, which is a very long time. I understand that. We would always much prefer to see swifter justice, because slow justice is no justice.

Bail is a matter entirely for the Greek legal authorities—not the political authorities—just as would be the case in Britain. I understand that a further appeal will be held before judges next week or the week after, and I would be happy to meet my right hon. Friend again afterwards. I know that the family have concerns about a series of inconsistencies in how the case has been presented, many of which have been mentioned this afternoon, and I would expect those to be brought before the court by Mr. Symeou's legal team, because in the end only the court can make a decision.

I would like to reassure my right hon. Friend that we have continued to monitor Mr. Symeou's case since his extradition to Greece last July, and consular staff in Zakynthos, Athens and London have provided consular assistance to Mr. Symeou and his family, and I shall ensure that they continue to do so. We have visited him twice, once in Avlona prison and more recently in Korydallos prison, and Mr. and Mrs. Symeou have attended meetings at the British embassy in Athens to discuss their son's case with consular staff. Although there are many things that we cannot do, there are things that we will continue to do.

On 25 November, our ambassador in Athens met the new Greek Justice Minister and took the opportunity to raise with him a number of consular cases, including that of Andrew Symeou. The Greek Minister advised him that the case was progressing through the Greek judicial system in the usual way, although I understand that that is not much consolation to anyone, because the usual way is a rather slow way. However, in conversations with my Greek counterparts, I am more than happy to make the same case as the ambassador made.

I hope that my right hon. Friend will be assured that we will continue to provide Mr. Symeou and his family with all the appropriate consular assistance while he remains in Greece, and I very much hope that she will keep in touch with me.

Joan Ryan: I thank the Minister for offering a further meeting after the legal proceedings, but may Mr. and Mrs. Symeou be present at that meeting? They would appreciate the opportunity to talk directly to the Minister and me rather than having to use me as a go-between.

Chris Bryant: I should have made that clear. I had intended it to be a meeting not only with my right hon. Friend, but with the family. I am more than happy to do that. I understand their difficult circumstances. This Government stand ready to provide whatever reassurance and support is possible, so I am more than happy to give that assurance.

I am not sure that I can say much more at this point, but as I said I am more than happy to meet the family and my right hon. Friend, to whom I pay tribute.

Joan Ryan: I asked whether the Minister could, as the Minister for Europe, make further representations to the Greek Justice Minister and any other member of the Greek Government whom he thinks might have, or whom we can identify as having, an important role in the matter. I am horrified when we talk about the "usual way". I cannot believe that the Greek Government would want it to be said that the usual way for justice to progress in Greece is for there to be total injustice.

Chris Bryant: It is not for me to judge whether there is justice or injustice. In the end, we are talking about a legal proceeding and that question is for the court. I am visiting Turkey this weekend and expect my Greek counterpart, Mr. Droutsas, to be at one of the events that I am attending on Saturday. I am more than happy to assure my right hon. Friend that I shall raise the case with him.

Unless my right hon. Friend wants to intervene on me again, let me pay tribute to her for the way in which she has devoted herself to this constituency case. As I have said, I am more than happy to meet her and the family, and to raise the case with my Greek counterpart.

Question put and agreed to.

6.10 pm

House adjourned.

Westminster Hall

Tuesday 5 January 2010

[Mr. Bill Olner *in the Chair*]

Independent Safeguarding Authority

Motion made, and Question proposed, That the sitting be now adjourned.—*(Mr. Frank Roy.)*

9.30 am

Mr. Bill Olner (in the Chair): Members will be aware that our colleague, David Taylor, died suddenly over the Christmas period. David was not only a member of the Chairmen's Panel who chaired Westminster Hall, but an assiduous contributor to debates in this Chamber, so before we begin the first debate, I ask you all to stand for a moment of silence in his memory.

9.31 am

Kelvin Hopkins (Luton, North) (Lab): I would like to add my own comments on the tragic death of David Taylor. He was not only a great member of our party, but a great socialist and a personal friend, whom I shall miss greatly.

Leaving that sadness to one side, may I say how much I enjoy serving under your chairmanship again, Mr. Olner, and wish you and everyone else a happy new year? It will obviously be an interesting year politically, and it is a novel experience to make the first speech of the new year in this Chamber.

I welcome the opportunity to initiate the debate and would like to make several important points that I believe need to be highlighted and acted upon. What I will say is intended to reflect and support the campaign mounted by the TUC and Unison on the issue—hon. Members might be aware that I am a joint co-ordinator of the Unison parliamentary group. I acknowledge that since I requested the debate, my hon. Friend the Minister has accepted in full the recommendations made by Sir Roger Singleton. However, it is necessary to note that the scope of the Singleton report was specific. The review covered only those who volunteer with children, but of course the current definition of frequency applies to both children and vulnerable adults, whom, as I am sure that the Minister will agree, should be equally protected.

I must place it on record that the trade unions and other professional bodies involved in protecting vulnerable adults and children strongly endorse the principle of public protection. The terrible events at Soham and other cases in recent years have demonstrated that case to be unquestionable. However, several issues raised by the creation of the Independent Safeguarding Authority and its impact on working people need careful consideration.

The Minister will be fully aware, as we all are, that the public debate has understandably been dominated by high-profile media coverage—perhaps rather populist in tone—of the impact of the ISA scheme on voluntary groups such as scouts and local football clubs. Although those groups play a valuable—or even essential role—and are vital to society and local communities, much less coverage has been given to the impact of the scheme on the caring professions and public services, and the many thousands who entered their vocations in those professions and services to protect and assist the vulnerable and children, especially. It is that specific dimension of the debate that I wish to address today.

I am sure that hon. Members agree that the public will be best protected by a system that is risk-based and proportionate, and that addressing such issues intelligently will have a positive impact. I wish to highlight substantive concerns relating to ISA that trade unions and other professional bodies have raised.

Several concerns have been brought to my attention by the TUC coalition, which has been working to develop a constructive response to the ISA scheme. I understand that a productive meeting took place with my hon. Friend the Minister early in November, which was attended by, among others, Dave Prentis, the general secretary of Unison. Three key issues were raised at the meeting, the first of which was the cost of registration and the impact that it might have on low-paid or part-time staff, particularly women.

The second concern was about the duplication of registration for a number of individuals who are already on a professional register, such as nurses, midwives, doctors, social workers and teachers, all of whom are required to maintain a professional registration as a condition of their employment.

The final issue raised was the lack of an appeals process under the current legislation. Although individuals can appeal to the Care Standards Tribunal, as things stand that can be done only on a point of law or fact. The tribunal is not allowed to hear evidence on appropriateness, which can be challenged only by judicial review.

I shall address each of those points in turn. To appoint someone to a post that allows them to work with or have access to vulnerable adults or children, an employer, organisation or individual must first ensure that they meet the knowledge requirements and possess the skills for the post. People are also subject to a criminal record check for all relevant employment posts. Unison and the TUC are calling for the costs of registration to be borne by the employer as part of its recruitment costs. The Home Office has indicated that that is, in any case, a one-off cost, as monitoring will then be ongoing for all employees. That being the case, it is reasonable and appropriate that employers fund the associated registration costs. If an employer is securing the services of an individual, surely ensuring their safety and suitability to be in that working environment should be included within its recruitment costs.

All the trade union organisations have expressed concern about registration fees' impact on individuals. In particular, Unison has questioned why a school meals cook or catering assistant working a few shifts a week should pay the same registration fee as a head teacher. That is surely unfair and inequitable by any standards. It is too early to assess the future impact on services, but we could, for example, face the spectacle of an individual having to pay to register so that they may serve school children their meals, but not facing such requirements in a local supermarket canteen. In those circumstances, an individual might choose to work in a supermarket and not apply to work in schools, to the detriment of the school meals service and contrary to the individual's initial preferences.

[Kelvin Hopkins]

Robust arguments have been put to me by the TUC coalition and Unison about the impact on those who are already on a professional register yet will have to register with both ISA and their professional regulator. With the current proposals, under the definition of "harm", the professional regulators could spend more time referring cases to ISA than investigating them and taking professional decisions on whether a person should remain on the register. I understand that several regulators have expressed similar concerns about the impact that the ISA process will have on their fitness-to-practise processes.

To illustrate that point, I shall refer to a relevant case, which has been provided to me by Unison, of a nurse working in a mental health trust who, in restraining a service user, used a control and restraint technique that caused bruising. The service user complained and stated that the use of the technique breached their human rights and caused them harm. They also made a written complaint to the regulator, the Nursing and Midwifery Council. Having investigated and referred the case to a fitness-to-practise hearing, the panel concluded that although the use of control was appropriate, the nurse did not use the correct technique as their training was not current. The panel therefore decided to issue the nurse with a one-year caution and recommended updating their control and restraint training.

As the examples and definition of harm issued by ISA are so broad, however, that case would now also have to be referred to the authority. ISA would then consider all the information and might write to the person indicating its intention to place them on the banned list. The nurse would then have eight weeks to submit a statement to put forward their case. Their only opportunity to challenge appropriateness at that stage would be via judicial review. However, if the allegation was more serious, a judicial review at that stage would prevent ISA from concluding its decision, thus placing the individual concerned on the banned list.

In seeking to find a viable solution to the potential dilemma, Unison and the TUC have suggested a slight change to the appeal process that would enable the Care Standards Tribunal to hear all the evidence, including that relating to appropriateness. That would not cause delay to the ISA decision-making process, but ensure that any person whose livelihood would be taken away from them had the opportunity to seek redress and challenge and examine all the evidence. Indeed, Unison and the TUC have also suggested that any person who was on a professional register should have their case heard and concluded by the relevant professional regulator first. Each of the regulators would jointly agree with ISA a protocol for referring relevant cases. That would avoid the current duplication, enable the case to be heard and all the material facts to be considered and taken into account, and allow decisions to be made and conclusions reached more quickly and efficiently.

The Royal College of Nursing, in particular, has added its own emphasis to the need for a right to a fair hearing for individuals. Currently, appeals and hearings can be only paper-based and, as I said earlier, made only on a point of fact or law. The RCN believes that that breaches the European convention on human rights. It also emphasises the unnecessary duplication of registration that I referred to earlier, and is concerned that there is a lack of clarity surrounding how ISA will work alongside professional regulators such as the Nursing and Midwifery Council. The RCN believes that that could lead to conflicting decisions being made by the two bodies.

As I said at the beginning of my speech, the TUC coalition and all its constituent organisations support the principle of public protection. However, several requirements proposed by the legislation might have a negative impact if regulators become weighed down with a 20-page referral form and are unable to meet their statutory obligation of public protection. The public can best be protected by a risk-based and proportionate system, and addressing these issues will have a positive impact and measurably improve statutory requirements and the safeguarding system, which, in other respects, are both necessary and appropriate. I look forward to hearing the comments of other hon. Members and what I hope will be a positive response from my hon. Friend the Minister.

9.41 am

Charlotte Atkins (Staffordshire, Moorlands) (Lab): I congratulate my hon. Friend the Member for Luton, North (Kelvin Hopkins) on securing this important debate—although I am sure he was not hoping that it would be the first debate of the day, at 9.30 on our first day back. It is an important debate, and there has already been a great deal of discussion about the scheme.

Inevitably, after the Soham murders, everyone supports the principle of safe and effective public protection and welcomes the steps being taken by the Government to improve safeguarding and to protect children and vulnerable adults. That support is still very strong, but as people have had the opportunity to look at the details of the vetting and barring scheme, concerns have inevitably come to the fore, particularly among those people who work with such issues every day.

I am pleased that the Government have already acted to make the scheme less burdensome and more proportionate. For instance, it makes absolute sense to exempt children's authors, sportspeople and, in my constituency, ceramic artists who go into schools to work with children and inspire them; they should not be subject to burdensome regulations under the scheme. I am pleased that 16 to 18-year-olds who help out in schools or sports organisations will also be exempt. That makes absolute sense, because we do not want to do anything that would deny those young people the great opportunity of sharing their skills with younger pupils or other people. Good sense has also prevailed in respect of parents making private arrangements to care for each other's children. It was crazy to have a situation in which a police officer was told that looking after another police officer's children was somehow breaking the rules. Clearly, that makes no sense at all, and such people will not be affected in the future.

However, there is a group of parents—the 40,000 parents who home educate their children—who are up in arms about the extra checks that they will face in the future under the Badman report. That issue does not come directly within the scope of this debate, but it is part of what is, perhaps, the over-protection of children, and part of the difficult process of striking the right balance in keeping children safe without being unduly burdensome, bureaucratic or invasive. Many of those parents, who are doing a fantastic job educating their children at home, feel that the hand of the law on their shoulder suggesting that perhaps their own children are at risk is not acceptable, and I agree with them. We have to get the balance right.

Volunteers and the voluntary sector play an important and increasing role in our communities, so I am delighted that volunteers will not have to pay the ISA registration fee. I am a volunteer myself, with a fantastic charity called Rudyard Sailability. We work with disabled children and adults, and I am delighted that that charity will not have the extra burden of having to pay the fee. However, I remember that the process of having my Criminal Records Bureau check done was very bureaucratic. It put a great burden on the gentleman who dealt with that on behalf of the charity, and I would be worried if this check created such burdens for voluntary sector organisations, whether they be disabled sailing charities such as mine, sports clubs or churches.

I hope that the ISA process will not overburden such organisations. They would much rather spend their energies dealing with their client groups and giving them the good time that they want to give them, rather than filling in forms. It is important that we get this right and do not alienate volunteers. They will not have to pay the charge, but obviously they give their time freely, and if that time is taken up with form-filling, it will not be as attractive an option as working with vulnerable client groups.

I, too, am a member of the public sector union Unison. I should like to discuss some of the issues that my hon. Friend the Member for Luton, North addressed. I believe that many MPs have come across cases of people who could not fully take up employment because their CRB check had not been done. That is worrying, particularly for someone in their first job. They want to start off well, but they are prevented from taking up their post because the CRB check has not come through, perhaps for a purely bureaucratic reason—the papers might have been lost. It has nothing to do with the individual applicant, but if the CRB check takes a long time to come through, it begins to reflect on the applicant. I do not want the same thing to happen with the ISA checks.

Kelvin Hopkins: My hon. Friend talks about delays in CRB checks, and I am sure that other hon. Members have come across that problem in other circumstances. I hope that my hon. Friend the Minister will find ways of ensuring that CRB checks are undertaken quickly, and that explanations are given if there are delays.

Charlotte Atkins: My hon. Friend is absolutely right. Although the CRB check is a totally independent process, people get worried if there is a delay, and it appears to reflect on the individual. Clearly, it does not, but people who are starting a new job want to make a good impression, so it is important that the process is properly carried out. I do not expect the Minister to tell me at this point how long she expects the ISA checks to take, but it is vital that they are done quickly; otherwise, we will create a huge bureaucratic merry-go-round, which we do not want.

Many individuals are already subject to professional registration, and it seems over the top for people who have had to go through that process also to have to go through the ISA scheme. I understand that the new ISA scheme will duplicate the existing regulation of public protection for almost 4 million workers—a huge proportion of the estimated 11 million who will be covered under that scheme. Surely, this does not make any sense.

I turn now to the cost of registration to the individual. Individuals in paid employment will effectively be subsidising the voluntary sector. I am in favour of that, but I am worried because the fee in England and Wales will be £64, which in anyone's book is a substantial sum—it will be £58 in Northern Ireland—that is hugely higher than the original estimate of just £20. That is a huge burden for a low-paid part-time cook, for instance. The school cooks in my local schools do a fantastic job. I do not want to see their skills diluted in any way.

Kelvin Hopkins: I thank my hon. Friend for emphasising this important point about costs, which will have a differential effect on people from different social classes. In a constituency such as mine with a number of people on low incomes, the cost will act as a disincentive to volunteering, whereas it will mean little in a more affluent town where £64 is pocket money and pocket change. My hon. Friend has emphasised this point correctly.

Charlotte Atkins: There are school cooks in my area, in Leek and Biddulph, who have worked for the service for decades, have served youngsters and their parents too and are a valued institution. Those school cooks have really taken through the healthy foods initiative in schools and encouraged youngsters to try different foods, and they have had to struggle with menus that have been difficult to sell to young people. They are the people who encourage children to eat healthily. They do not just cook and serve the food; they engage with the children. I do not want any of those excellent ladies—and some gentlemen—who are doing a marvellous job, to find that the £64 is too much for them to bear. Why should they have to bear that cost? It makes no sense. They are public servants who are doing a fantastic job.

As my hon. Friend said, it might be loose change for a chief executive or a senior head teacher—

Kelvin Hopkins: I thank my hon. Friend for giving way yet again and I apologise for intervening so frequently. A long report on the radio yesterday mentioned the impact of healthy meals on children's performance at schools and the massive contribution made by school cooks and catering workers to that. The more we can encourage children to eat healthy school meals, the better they will perform and the better they will be as citizens in the future.

Charlotte Atkins: I, too, heard that report, which denied the myth that the healthy school food initiative had been a failure and demonstrated that school catering teams had done a fantastic job throughout the country introducing healthy food. We do not want to see that work put at risk.

The registration cost makes no sense. Trading standards' fees for a small local delicatessen are different from those for a major company such as Tesco. We obviously should have a graduated fee system that would ensure that there was a proportionate response, because we want it to be proportionate and we do not want to lose public sector workers to the private sector and thereby lose their expertise and skills. It is vital that we ensure that we maintain those people within the schools.

[Charlotte Atkins]

All those risks could be avoided if the employer was required to pay the registration fee. That would be the best way forward, because the one-off fee could be incorporated in the recruitment costs of those excellent staff, rather than introducing any of the negative implications or unforeseen effects of the fee on low-paid staff. That is important.

Given that we have time to look at some of the details of the ISA, I hope that those issues are taken seriously by the Minister and thoroughly considered, because although the scheme is important it is also important that we get it absolutely right and that it works effectively. I hope that the Minister will respond positively to some of those points.

9.55 am

Laura Moffatt (Crawley) (Lab): I support my parliamentary colleagues in their attempt to get clarity on the implementation of the Independent Safeguarding Authority. None of us is here to do it down or to create difficulties where we do not think that there are any, and most of us are supportive. A group of organisations has come together on this matter, and I am glad to say that Unison is taking a lead in that. I say that as a lifetime working member of Unison who was part of the creation of the Confederation of Health Service Employees and moved into Unison in the nursing profession. These proposals and changes are sensible and proportionate. As a listening Minister, my hon. Friend will be keen to hear those concerns, although I know that she has had a series of meetings with those with particular issues to discuss.

The last thing that we need is for people to be deterred from going into the caring professions, which are not well paid for millions of people, particularly women. It is important that we ensure that those professions are welcoming, and we are keen to ensure that new people come into the caring professions to revive them and do extremely difficult jobs. People do not do it for the money: it is difficult. I have worked alongside all sorts of carers for 25 years and it is obvious that people are coming into the profession because they want to and because they know that they can make a difference.

It would be easy to say, "Well, people are getting upset about the new overarching authority, because if you've something in your background, you'd be afraid to disclose that." That is untrue. The reality is that, overwhelmingly, the people working in the caring professions with vulnerable young people, children and babies are straight as a die and honest. The last thing that we want to do is to put them off and turn them out into another profession. It is important that, whatever we do with the implementation of the authority, it is proportionate and understandable.

Mrs. Maria Miller (Basingstoke) (Con): I want to ask the hon. Lady about the important point that she has raised. She says that those who go into the caring professions have nothing to worry about if they have a clean bill of health in respect of their backgrounds. However, there is a worrying increase in the number of people who are given cautions for sexual offences—it has been increasing year on year—and many may not understand that, by accepting a caution, they could be ruling themselves out of all those jobs in future. Has she talked to her contacts about that?

Laura Moffatt: I am grateful to the hon. Lady for raising that issue. All of us as Members of Parliament have had issues brought to us by our constituents. However, one major issue is not the offence but disclosure and ensuring that people understand at the time that, if they accept a caution, it may affect their future. Education and information for people at that stage are crucial to the whole process. I agree that the new way of dealing with offences and the changes have implications for people, but although it is proportionate—a major offence should not be dealt with in that way—they need information, so that they know about the effect that that will have on them.

There are many people whom we believe will be ideal for the profession, and the last thing that we should do is set up a host of hurdles for those who are willing, particularly younger people who are looking at the caring professions. The economic climate has changed, and a lot of younger people are now looking to the public sector for their future vocation. For many people, it is a vocation to be a midwife or a nurse or to work in a school. Therefore, there will be increased demand, but let me reiterate that many of those people will be relatively low paid. There appears to be no mechanism to take account of that—it might be a head teacher who applies, as was mentioned earlier, or a dinner lady—and we need to give that issue some attention.

My hon. Friends have said, quite rightly, that ensuring that the employer pays the initial fee for joining the register would take away many of those obstacles. It would make people feel that, if they entered a profession, the commitment from the employer would be there. Having checked with local trusts in my constituency, I accept that many employers will be prepared to do that, but there is no mandatory fixture for them to say that they will pay. I believe that good employers would pay that fee, but that might not happen in some organisations. We need everybody to be certain that the issue will be dealt with in that way.

My hon. Friends raised the issue of volunteering. We are greatly relieved that volunteers will not only be dealt with proportionately through the changes already made, but that they will not have to foot the bill for any of the work that they do. Many of us know of local organisations where people dedicate their time and energy to making lives better for our constituents. Nevertheless, we should consider one issue: it is good that volunteers will not be asked to pay, but that is based on the principle that 11 million people in work will contribute in some way, either through the employer or personally, to allow the system to function properly. Once again, is it fair to allow the dinner lady to subsidise volunteering? Pleased as we are that volunteers will not pay, is it right and proportionate that those on lower incomes will contribute?

Those are just some of the issues. I completely support the principle and the notion behind the authority, as does the impressive coalition of good, sound organisations that have come together to consider the matters in detail and provide a sense of proportionality about what is needed to protect our professions. None of us wants the authority to fail or to be ineffective—it flows from the Bichard inquiry, which was set up after the Soham murders. If we could have prevented those murders by having a more effective register, we would have wanted to do so. Therefore, it is in a spirit of support and of wanting the authority to function that we appeal to the Minister this morning to look at these matters in detail and to respond as positively as she can.

10.4 am

Mr. David Laws (Yeovil) (LD): I start by wishing you, Mr. Olner, and all those present a very happy new year. On behalf of my party, I also wish to put on record our sadness at the news of the loss of David Taylor, and our appreciation of the work that he did, not only on the Chairman's Panel, but through the passionate way in which he made his case on the Floor of the House. He was a Member for whom there was genuinely a great deal of respect and admiration across parties, and he will be greatly missed, not only by Labour Members, but by hon. Members on the other side of the House.

I also congratulate the hon. Member for Luton, North (Kelvin Hopkins) on securing the debate, which, as he mentioned, is the first of this important political year. We are debating an extremely important topic, and I commend him for setting out his case with extraordinary brevity and in such a straightforward way. He did not take up a huge amount of time, which has allowed a number of hon. Members to contribute, and permits us to touch on not only some of the points that he raised, but some of the other issues arising from last year's Singleton review. This is probably our first parliamentary opportunity to debate that review and the important amendments that have been made to the previous proposals for the Independent Safeguarding Authority.

A number of hon. Members referred to the background of the establishment of the Independent Safeguarding Authority and to some of the concerns that led to it being set up. We want to place on record our recognition of the importance of this issue, and our concerns about the deficiencies of the previous regime that led to this body being set up, with all its associated costs and controversies. Previously, a lot of the information that was available about some individuals regarding whom there were safeguarding concerns was not consolidated in a way that allowed children to be properly protected. An undesirably political element to the protection regime has been swept away as part of the reforms—we think that that demise is sensible.

The measures implemented by the Government should be proportionate and realistic, and they should not place unreasonable costs on individuals or particular bodies. Over the past few months, there have been considerable concerns not only in the education world, but in all those areas where the protection of children and vulnerable adults is an issue, about whether the legislation and regulations were out of control, and whether they were imposing unreasonable costs and duties that could be counter-productive and might drive many law-abiding citizens away from being involved in the support of children and vulnerable adults, particularly in a voluntary capacity.

There were genuine concerns that the measures being introduced would have unintended consequences. Outside the education world, we got to a situation in which even the police were being required to register their own staff members, who were obviously already going through other vetting procedures. At a time when budgets were beginning to be tight, there were concerns that the police would need to make large financial provision to put a high proportion of their own staff through this new procedure at £64 a head. I was astonished when I heard the costs that were going to fall on the Avon and Somerset constabulary in my area as a consequence of those vetting and barring procedures. We are therefore pleased that the Government have looked again at some of those matters as a consequence of the Singleton review, and that some of the deficiencies to which hon. Members have referred have been dealt with. However, we still have some concerns about the proposals of Sir Roger Singleton's committee, which I will return to in a moment.

The hon. Members for Luton, North, for Staffordshire, Moorlands (Charlotte Atkins) and for Crawley (Laura Moffatt) made extremely important points, some of which involved issues that have been of public concern and reported in the media. Other issues have remained under the surface, and while they are of concern to particular employees and employer groups, they have not become part of the wider public debate. All those matters are important and I would like to touch on them today.

I understand that the hon. Member for Luton, North is concerned about three issues: first, who should pay these costs and, in the case of low-paid employees, whether that cost should be picked up by the employer; and, secondly, whether the available appeals processes are sufficiently robust, and how rapidly they will take effect. Importantly—I think that this was also raised by the hon. Members for Staffordshire, Moorlands and for Crawley—the third issue is whether the principles in the Singleton report relating to police exemptions should be extended to other professional groups. I hope that the Government will consider that seriously, because if credible vetting procedures are in place for professional groups, we should not try to replicate them. We were particularly concerned about the situation relating to the police. Some of the other professional groups were not raised with us, so today's debate is an interesting opportunity to discuss some of those issues.

Kelvin Hopkins: I thank the hon. Gentleman for his very helpful comments. We are concerned about the wider question of duplication with other professional bodies not just in relation to the police, but in all cases in which professional bodies and regulators do checks beforehand.

Mr. Laws: I am grateful for that clarification. I hope that the Minister will respond to the hon. Gentleman's important point.

Let me go through some of these areas and several of the other issues that are still outstanding in relation to the legislation and regulations under discussion. When the matter was first debated in the House, both Opposition parties expressed a great deal of concern about many of the loose ends, the limited time to deal with a very detailed subject and the potential unintended consequences. We have seen from the Singleton review the justification for those concerns and the need for us to look again at the regulations to see whether they could be implemented more sensibly. We are not convinced that all the proposals that will be in place by next year are quite right yet, although we accept that the Singleton report and the Government's acceptance of it represent a significant move forward.

[Mr. Laws]

Let me first raise one important concern about the Singleton recommendations. I think that the hon. Member for Luton, North, quite deliberately, did not seek to touch on it, but it is, for us, an important residual point that comes out of the recommendations, which were published in December. It relates to recommendation 3, on "Frequent and intensive contact", and the associated recommendation 4 on "Visits to different settings". In some ways, both recommendations seek to take into account the concerns expressed about whether the regulations would be excessively burdensome. In recommendation 3, Sir Roger seeks to redefine the frequent and intensive contact tests so that they would essentially come into place if people were going into schools and coming into contact with vulnerable individuals once a week or more regularly. The intensive contact test is defined in terms of four contacts a month.

Our concern is not that that is not a small move in the right direction, but that it does not really deal with the question of what individuals are doing when they are in the particular settings and whether they are really likely to pose a risk. In other words, we think that it is framed too much in terms of frequency of contact and does not consider in sufficient detail what the contact constitutes. Many people would regard it as obvious that when an individual comes into contact with children or vulnerable adults in an environment in which they are the only adult present, or when they are in a particularly vulnerable setting—perhaps involving an overnight stay, or sports or some such activity—there are reasons for ensuring that the safeguards in place are very secure. However, many other people who go into educational establishments or who come into contact with vulnerable children and adults might be doing so with a much lower risk characteristic, particularly when those individuals are coming into schools or other settings where there is another adult who might already be the approved and vetted adult present.

Many of us can think of occasions on which individuals come from outside school settings to talk to children, sometimes quite regularly, but those contacts take place wholly with one of the existing members of the teaching staff in place. That seems not to be properly taken into account in the recommendations and in the Government's plans, so we have a situation that is framed too much around frequency and not enough around the actual risk inherent in any particular situation.

That concern was raised by the hon. Member for Basingstoke (Mrs. Miller) when this matter was first debated.

> "As a school governor myself, I have seen instances in which outside organisations have come into the school without ever being left in sole charge of the children with whom they come into contact."—[*Official Report, Standing Committee B*, 11 July 2006; c. 77.]

She said that there would be activities that did not need to be monitored, but that equally there would be circumstances, such as those outlined on that day, in which there would be concerns. I should like to know whether the Government have given, or will give, more consideration to whether the nature of the contact and the risks inherent in that should be considered more seriously and whether, therefore, more flexibility could be built into the procedures, but obviously not in relation to contacts that would be particularly high risk.

I should also like clarification of the linked proposal—recommendation 4, which relates to visits to different settings. My understanding of that is that Sir Roger has concluded that if an individual comes into contact with a vulnerable adult or a child on a regular basis, there is cause for concern that some sort of abusive relationship might develop in unusual circumstances and that therefore protection is needed. However, Sir Roger seems to have decided that if an individual comes into contact with a range of young people or vulnerable adults, but not the same young people or vulnerable adults, the potential for an abusive relationship to develop would be much lower and therefore the toleration of contact with those different individuals should be much higher.

I can understand the argument that if an individual comes into contact frequently with vulnerable adults or with the same children, there is the potential for a relationship to develop that could be abused, but I can also see an apparent irrationality. My understanding is that if, for example, an individual was coming into a secondary school from the outside but was having contact with children in different classes, they would essentially have an exemption from some of the other proposals in relation to frequency and intensity of contact. It seems bizarre that those individuals might be able to come into contact with individuals in a potentially exposed setting quite frequently, but provided that it was with different individuals, they would be exempt from the frequent and intensive contact proposals. I wonder whether that is sensible, particularly given that those individuals, even if they are coming into contact with different classes or individuals formally in the classroom, might still be able to meet up with children or vulnerable adults whom they had met in another formal setting as they worked their way around the institution.

I therefore have yet to be persuaded that recommendations 3 and 4 deal sensibly and pragmatically with this particularly crucial issue. I think that, in some senses, recommendation 4 leaves some scope for abuse and child protection concerns, but recommendation 3 does not go nearly far enough in allowing exemptions for the large number of adults who come into contact with young people and vulnerable adults but do so in a setting where the risks are extraordinarily low and, in particular, where another adult who has been vetted is already in the setting. I invite the Minister to comment on that and let us know whether the Government will look at the matter again.

I should like to pick up the point that the hon. Member for Luton, North made about other professional groups and whether the exemptions that have now been extended to the police, following the Singleton report and the Home Secretary's response to it, could be extended to other groups on the basis of the checks that already have to take place. Even after Sir Roger's proposals, the new regulations will still relate to between 9 million and 9.5 million people, and possibly many more over time. If it is possible to work within the framework of the current checks, rather than introducing new bureaucracy, I hope that we can pursue that.

Will the Minister comment on a number of other issues that have been left hanging in the air as a consequence of the Secretary of State's statement at the end of last year? First, Sir Roger recommended further work on three of the proposals at the end of his report. Under what time scale can we expect the Government to complete that work and bring recommendations to the House? Is it likely to be before the spring or will it be well into the future? Secondly, when will there be a new impact assessment of the proposals as amended by Singleton? Will it include an assessment of their benefits in terms of reducing the potential for abuse?

I want to pick up a point made by the hon. Member for Luton, North. I have concerns about whether the appeals process can be strengthened and about the time taken to process checks. As the hon. Gentleman mentioned, there is a lot of evidence to show that the processing is taking far too long. If people believe that processing will take a long time, organisations, employees and volunteers may be deterred from entering into arrangements, which could have a damaging impact.

Finally, we heard about the cost of processing. In some cases, particularly those of a more voluntary nature, the expectation is that the individual, sadly, will have to bear the cost. However, a legitimate point can be made, particularly in the case of low-paid individuals, about whether the employer should pick up the cost. Although £64 might seem a relatively small amount for somebody on a high income, it is a lot for somebody on a low income, particularly if they have been out of employment for a long time. People who go back into employment often face transport and other costs, which can be quite large and which can act as a genuine disincentive to taking up work. I therefore have some sympathy with the points made by the hon. Member for Luton, North and his hon. Friends, and I hope that the Government will respond positively.

10.22 am

Mrs. Maria Miller (Basingstoke) (Con): It is a pleasure to serve under your chairmanship in the first debate of the new year, Mr. Olner. I echo the sentiments that you expressed about the sad loss of David Taylor. I am sure that all our thoughts are with his wife and family at this sad time.

On a lighter note, I congratulate the hon. Member for Luton, North (Kelvin Hopkins) on securing the debate and on setting out so clearly some of the real concerns that remain about the Independent Safeguarding Authority. It is important that we do that, because the organisation was conceived to help some of the most vulnerable people in our communities—those with whom we perhaps deal most as constituency Members of Parliament—and to ensure that they are appropriately protected. As we have heard from several hon. Members, various organisations, including trade unions, have concerns about the impact of the legislation on their workers and particularly on the lowest-paid.

The Government's approach to the new vetting system, which has evolved over more than four years, and the creation of the ISA reflect some of the more troubling issues—*[Interruption.]*

Mr. Bill Olner (in the Chair): Order. I must remind officials that they cannot pass notes to members of the public at the back of the room. I would appreciate it if they would refrain from doing that.

Mrs. Miller: Among the most troubling issues that our communities face is the implication that we can eliminate risk from the lives of children or vulnerable adults, with the result that we break down the trust that exists in our communities. Although those are much broader issues, and there probably is not enough time to debate them today, we should ensure in all our deliberations that we do not try to create a feeling that society is devoid of risk. We should ensure that employers and voluntary organisations take responsibility for such issues in how they operate.

It is unsurprising that there has been widespread concern about the role and remit of the ISA, given that the organisation's scope has evolved so much under secondary legislation over the past four years. That is perhaps another reason why the Government should have included in the original legislation more of the detail of how the new vetting procedure would work. Many feel that we have moved away from the original intentions outlined in Sir Michael Bichard's report; indeed, there are indications that he himself feels that.

The Secretary of State's most recent guidance on the Singleton review simply serves to underline the fact that the new ISA legislation lacks a clear statement of the principles guiding the vetting process, so perhaps the Minister can take the opportunity afforded by the debate to clarify the issue. As we have heard from today's contributions, there is a real lack of clarity even about who has to be vetted. There is no coherent rationale, and the catch-all approach that formed our starting point seems to have evolved into a catch-all with significant caveats, which have been inserted by the Secretary of State in an attempt to prevent the whole organisation from being derailed. We need a much clearer articulation of the principles guiding the ISA, as well as a recognition that no system can guarantee the safety of children and vulnerable adults and that police checks are simply a record of the past, not a substitute for every organisation taking ultimate responsibility for those who work in them.

The most important part of the debate is the Minister's response, so I will outline only briefly some of the other issues that she may want to talk about. The hon. Member for Yeovil (Mr. Laws) rightly said that the Singleton report covered a number of concerns, but there is still a lack of clarity about exactly who must be monitored and vetted. Given that the principles must be implemented by employers, employees and voluntary organisations, the most important point is surely that we have a simple set of rules that everybody can understand, rather than the complexity that we have now.

Although we originally expected a Minister from the Department for Children, Schools and Families to respond, the Minister is from the Home Office, so she might like to give us a quick update on how the police are getting on with their new database. Is it as up-to-date as it needs to be? Is it working in the way that she hoped it would? Are there are any concerns or reviews that we should be aware of? Those issues are outside my departmental responsibilities, so I would appreciate an update.

Another issue that the Minister could usefully mention is the clear ineptitude that has been demonstrated in communications on the new way of vetting. There have been several misconceptions about who should be vetted, some of which hon. Members have echoed today. The original legislation was never intended to touch on private understandings, but they are widely thought to be covered. Indeed, in his letter to Roger Singleton on 14 December, the Secretary of State says:

[Mrs. Maria Miller]

> "I strongly agree with you that we need to intensify our communications efforts in order to dispel myths and ensure that there is a wide understanding of how the scheme will apply."

Is that an admission that the Government have failed properly to communicate the details of the scheme? What has been learned from those mistakes? How exactly will the Minister communicate with employers and employees about how the ISA will work? We discussed those issues extensively in Committee, and I feel rather disappointed that the Government took no heed of what the Opposition said.

Another issue was raised directly with me in a round-table seminar with a wide range of experts that I hosted just before the Christmas break—the uncertainty about whether children's attendance with organisations as, say, part of their year 10 work experience would trigger a monitoring requirement for the organisation's employees, since a week's placement could satisfy the intensity test. If so, has the Minister taken into account the numbers who would be vetted? That is a matter that particularly concerns schools and organisations that are trying to set up such placements. A parallel issue is internships. We welcome the clarification to the effect that vetting would not be required of 16, 17 or 18-year-olds working with children or vulnerable adults as part of their school or college training. However, many university students may have short or long-term work experience placements. Why would they not be exempt too? Surely that would be an important part of their academic studies.

It is unclear why overseas visitors looking after their own children have a three-month exemption from registering. They will come into contact with children from this country on a frequent or intensive basis—say at a scouts' jamboree camp. Perhaps the Minister will explain the choice of the three-month period, which seems somewhat arbitrary, and why there is a shorter period before having to register—I think it is about 28 days—for parents in the UK who come into contact with children from overseas through exchange visits.

The portability of the new system is to be welcomed and I think that many of my constituents see it as an asset of the scheme, but will the Minister clarify whether employers will still be required to seek an enhanced disclosure for people in certain jobs once they are ISA-registered? The ministerial response to the Singleton review seems to be to advise employers that all the information needed to check the suitability of a candidate will be held by the ISA and that thus an enhanced disclosure will not be needed. There is a lack of understanding and clarity about that among voluntary organisations, and it would be a good thing if the Minister were to clarify it today.

Concerns were expressed in the round-table seminar that I mentioned about the decision-making powers of ISA caseworkers. They have the opportunity to change someone's life: it is fundamental. Will the Minister explain the training that they will receive, the prerequisite qualifications and experience for the job, the management structure of the ISA and to whom caseworkers will be accountable? Perhaps she will also clarify the type of information that caseworkers will observe, and the information that they will be able to pass on to employers. Concerns have been raised with me that information about third parties living in the house of a potential employee or volunteer might be passed to voluntary organisations, which might put the individual receiving it in an extremely difficult position. What safeguards are there to ensure that caseworkers do not misuse the information given to them?

An important group of people affected by the measures is ex-offenders. The St. Giles Trust has raised concerns about how the scheme could prevent them from re-entering the labour market. Sir Roger Singleton noted:

> "The process of ISA registration is viewed by many as a potential and significant disincentive to ex-offenders who may wish to engage in this work".

The ISA is apparently engaged in discussions with rehabilitative organisations, and perhaps the Minister will explain what action the Department is taking to encourage ex-offenders, and to educate employers, to ensure that the ISA will not have the negative impact that so many fear it will.

The hon. Members for Luton, North and for Crawley (Laura Moffatt) have already discussed the costs of registration, so I shall not do so further, other than to say that I share the hon. Lady's concern that they may disproportionately affect female workers and those who choose to enter the caring professions, perhaps after having a family.

The issue of overseas workers, although tangential to the points raised by the hon. Member for Luton, North, is probably of concern to trade union members. I have raised it with the Government in the past four years, and it has still not been fully addressed. In June 2006 the then Minister of State said that the Government were developing protocols with 21 different countries about how to deal with information about overseas workers who put themselves forward to be registered under the new system. Three years later, the Government have made initial agreements with Australia, France and Ireland—three countries. That is well short of the original objective. That was confirmed recently in a debate in the other place, when the Government spokesman Baroness Morgan said:

> "Concern was expressed about engaging with international protocols. I can confirm that we have an initial agreement with Australia and that we are in ongoing discussions with France and Ireland."—[*Official Report, House of Lords*, 8 July 2009; Vol. 712, c. GC240.]

Considering the substantial number of individuals from overseas who now work in many areas that will be covered by the new registration process and about whose background and records there will be no information on the database, there seems to be a continuing glaring hole in the process. The Government have resisted any system of flagging the fact that someone has been working overseas, to give employers a heads-up on the fact that their ISA check is incomplete. Perhaps union members will be interested in that, because it means that there are two sets of rules for people applying for jobs. It is important that, if records are incomplete, that should be flagged up to employers and voluntary organisations.

It is clear from the debate today, and the debate that has been going on outside Parliament, that there are big questions about how workable the new system will be. We are trying to create a system that will be implemented by employers, employees and voluntary organisations. If those of us who have been involved in the debate for four years find it difficult to unpick the Government's intentions, the Minister would do best to tell the House that some fundamental reviews are being undertaken, beyond what has been done by Singleton; otherwise, she is storing up significant problems for the future

10.37 am

The Parliamentary Under-Secretary of State for the Home Department (Meg Hillier): It is a pleasure to serve under your chairmanship, Mr. Olner. I share the sadness that has been expressed about the death of my friend and colleague David Taylor, who was a fellow Co-operative MP and, as you said, a very active Member in Westminster Hall. It is fitting that we should remember him today.

I thank my hon. Friend the Member for Luton, North (Kelvin Hopkins) for obtaining the debate. The issue is of great importance, and I am glad of the opportunity to clarify some of the matters that he raised and those raised by my hon. Friends the Members for Staffordshire, Moorlands (Charlotte Atkins) and for Crawley (Laura Moffatt) and the hon. Members for Yeovil (Mr. Laws) and for Basingstoke (Mrs. Miller).

It is worth my giving an overview of the scheme, but I want to move quickly on to deal with the many points that have been raised. It is worth reiterating a fact on which I am glad that we have the support of hon. Members from all parties: we want a scheme that will ensure that we do our best to prevent the risk of harm involving those working with children and, just as importantly, vulnerable adults. I agree with the comments of the hon. Member for Basingstoke about where risk lies. Whatever the Government do, they can never eliminate all risk, and it is important that the system that we are debating should be seen as part of the armoury of information that an employer can have in making a decision about whether it is safe for someone to work in a particular environment.

The scheme provides a simple, one-off registration that is—to reassure my hon. Friend the Member for Luton, North—free for volunteers and allows an organisation placing volunteers to verify the information quickly and free of charge, without requiring the disclosure of sensitive criminal records data. As hon. Members know, the scheme comes out of the terrible events in Soham. We have made quite a lot of progress. The hon. Member for Basingstoke called for fundamental reviews, but given the fact that the scheme was launched in October and will, as I shall outline, progress rapidly this year, a fundamental review at this stage would mean that we would have no scheme. Four years on, that would be a foolish step. I shall explain, and respond to hon. Members' points about, some of the matters that we are considering, because I am ever-aware of the need to ensure that what we establish is proportionate and not over-bureaucratic and that it does what it is supposed to do. I shall set that out clearly.

The scheme was launched on 12 October last year. It was the first stage of the process, under which the three existing barring lists—the protection of vulnerable adults and Protection of Children Act lists and list 99—were replaced by the two ISA barred lists, the lists of those barred from working with children or vulnerable adults. Some people would appear on both lists, and some on one or the other.

A crucial point is worth stressing, as we have not talked enough about vulnerable adults in our four years of debate. Employers have had a legal duty imposed on them to refer to the ISA information about an individual who may pose a risk to children or vulnerable adults. That is critical. As a carer of a particularly vulnerable adult, I have seen over the years what can happen in some care settings—both professionally and personally. For example, an agency worker or a member of staff who is under investigation may choose to leave that employment. The employer does not need to take further action, because he no longer employs that person. Indeed, his investigation may not have progressed that far. On the same day, the individual can register with another employer or agency, sometimes working in the same care setting. From now on, if there is even a question mark or if an investigation has been started, that individual has to leave that employer and has a legal duty to provide that information. We will see some significant step changes in tackling the few—I echo the comments of my hon. Friend the Member for Crawley—bad apples who may pose a risk to vulnerable adults. That will be an important step.

There are also new criminal penalties for barred individuals who work or apply to work with vulnerable groups. Applying to work will itself be a criminal offence if one has been barred. Criminal penalties were introduced to deal with employers who knowingly take on people with a poor record.

About 15,000 people are on the ISA list of barred adults and 19,200 people are on the children's list, but as I said, some appear on both lists. The reasons for inclusion in the lists include physical abuse, sexual abuse, financial abuse, drug offences, neglect and emotional abuse. Paedophilia is only one reason why the scheme is essential. It is important to see things in the round. It is important to note that the majority of those on the current lists were moved from the previous barred lists, which is why so many have been added in such a short time.

From July 2010, all new employees and volunteers who regularly come into contact with children or vulnerable people can be ISA-registered before starting work. Individuals will be able to apply for ISA registration and an enhanced Criminal Records Bureau check on one application form. I shall talk about fees in a moment, but the bureaucratic procedure is similar to going through a CRB check. For the individual, it will involve much the same process.

The crucial aspect of the new scheme compared with existing and previous regimes is that people will be continuously monitored and their status reassessed whenever new information is received. There will be automatic triggers to ensure that such information is provided to the ISA. The employer will be able to register an interest in an individual with that person's consent. For example, were I to apply to for a job in a care home, I would be able to give my registration details to the employer, who would then be able to check that I was free and able to work.

From November 2010, all new employees and volunteers who regularly come into contact with children or vulnerable people must be ISA-registered before starting work. It will become a legal requirement for employers and voluntary organisations to check the ISA status of new and current employees. As I explained earlier, it is not over-bureaucratic; it should be a swift and straightforward process.

[Meg Hillier]

By July 2015, all employees and volunteers who work regularly with vulnerable people, including current employees, must be ISA-registered. It may seem a long time, but it is important that we get it right and that we do things proportionately. I recognise, however, that the checks and normal precautions that employers and voluntary groups should be taking have indeed been taking place.

Many points have been raised this morning, so I may skip through certain matters that I think less important; I shall make a judgment on that. The hon. Member for Yeovil asked about Sir Roger Singleton's check. The scheme has received much publicity over the summer. I remember being on maternity leave and sometimes wanting to throw things at the radio when hearing the myths that abounded about who might be included. I was therefore delighted that my right hon. Friends the Home Secretary and the Secretary of State for Children, Schools and Families agreed to ask Sir Roger to check whether what was being done was proportionate. I am glad that we are having this debate today, as it will lay to rest some of those myths.

As a result of public concern, Sir Roger was asked to check whether the scheme had drawn the line in the right place for definitions of frequency and intensity of contact with children and vulnerable adults. His recommendations have been accepted; I believe that they improve the overall balance. They remove some 2 million people from the need for registration and ensure that the definitions of frequent and intensive activities are clear and understood.

It is essential to ensure that children and vulnerable adults are properly safeguarded and that we do all that we reasonably can to protect them from those who seek to do them harm. However, to be effective, the system must be balanced and proportionate. It is no good making it so tight and difficult that is hard for people to understand. I am grateful to Sir Roger for the clear way in which he communicated his thoughts on how things should be done, and as I said, the Government have accepted them in full.

Mr. Laws: Will someone who goes into a school on a voluntary basis to talk to the same class each week for between six and eight weeks, but always in the presence of the teacher, have to go through the procedure?

Meg Hillier: I shall touch on a number of the points raised by the hon. Gentleman. It will depend on frequency, but I shall not pick up on one point. It would depend also on what the school felt was appropriate if that person had regular contact outside school. For example, schools in small towns may have more contact with that individual than with someone who comes from another geographical area. In essence, as the hon. Gentleman outlined, frequency may be defined as three times a month. However, recommendations 3 and 4 essentially need to work together. It will be a matter of judgment for the school on how it should work and what the timings should be. It is therefore difficult to comment on an example thrown at me in the Chamber.

The hon. Gentleman usefully laid out the flaws of the previous system and reminded us all of the need for change. I shall now pick up on some general points, but I may come back to the point that he raised a moment ago.

The question was asked whether police officers should register under the scheme. I and ministerial colleagues from the Departments of Health and for Children, Schools and Families have been alert to the need to ensure that the scheme is proportionate. The cost of police going through their own check, which is essentially the same, seemed over-bureaucratic. It has therefore been decided that police officers, for whom rigorous vetting arrangements are already in place, and who are uniquely placed to access all the relevant criminality and intelligence information on the police national computer, do not need to be ISA-registered. Some officers have regular contact with children, but that is a slightly different issue.

Mrs. Maria Miller: I return to the intervention by the hon. Member for Yeovil (Mr. Laws). If the Minister finds it difficult to give an answer to his question, surely school governors in our constituencies will find it difficult to assess whether or not an individual needs to be police checked and will therefore err on the side of caution. The lack of clarity—and perhaps the Minister's inability to answer that question—shows the scale of the problem.

Meg Hillier: I shall take the rare step of being candid. I have been up three times in the night with a young baby and I have a cold. I was worried that I might have misheard what the hon. Gentleman said and did not want to commit myself, in *Hansard*, to something that I may have had to correct. However, I shall address the point that he raised in more general terms. Forgive me, Mr. Olner, for being personal, but that is the reality.

We believe that removing the police is a proportionate decision that will reduce bureaucracy. Voluntary sector support is high. Bodies such as the National Society for the Prevention of Cruelty to Children and Volunteering England support the inclusion of volunteers in the scheme. It is right. I have volunteered for groups in which my children have been involved. I am a mother of three. For example, I would sometimes turn up at a Cub Scouts camp. In those days, I needed a CRB check as there were other children. I recently turned up to make paper flowers with the Brownies, but I did not need a CRB check because, at all times, Brown Owl was present. We have to recognise that the balance is right for volunteers.

As a number of hon. Members stressed, we also need to communicate clearly to those who are asked to undergo CRB checks or ISA registration which people need to be checked. It is important to get right the frequent contact test that was raised by Sir Roger Singleton. The hon. Member for Yeovil asked whether the test takes into account the nature of the contact. I hope that my story about the Brownies and the paper flowers has reassured him on that. Of more concern is the overnight stay on residential trips with children. I welcome the opportunity to make clear that difference.

The CRB check gives information about a person, but it is left to the employer's discretion to decide whether it is relevant to the person having contact with a child. For example, someone who is not barred may have additional information on their CRB check, and it would be up to the employer to judge whether it was relevant to the job. If someone was to apply to be a minibus driver for a youth club, the fact that they had a criminal record may not be an issue, but if they had a record around children it may be. If they were to apply for a job in which they were handling money, a criminal record on a financial matter might be an issue. If they were providing children with counselling and the financial issue was a concern, the employer might use that as a reason not to employ them. That is the normal process for a CRB check. I am slightly digressing here. As I am anxious about time, I will have to rattle on a bit.

As for children's authors, the Government accepts Sir Roger's analysis that in cases in which someone is working frequently with children but only in different schools and returns to the same school only infrequently, if at all, there is no opportunity to develop and abuse trust. If I understood the hon. Member for Yeovil correctly, he was talking about someone having fairly regular contact with the same group of children, in which case there would be a requirement for registration. The key issue is about the ability to develop a relationship. Schools can still choose to ask anyone for an up-to-date CRB check even if they are not barred from working with children. There may be information in the CRB check that is not relevant to the ISA. The impact assessment that was mentioned is being produced, but I cannot give a definite time scale on its production at the moment.

Let me pick up on some of the points raised by my hon. Friend the Member for Luton, North, because he initiated the debate. He and other hon. Members touched on the issue of cost. The cost of the first registration is £64. It is worth stressing that the cost was never £20. I am not clear where that figure comes from. In the consultation carried out by Government, only 5 per cent. of respondents considered that £20 was an appropriate cost. The cost for the ISA part of the check is £28. At the same time, the scheme requires an enhanced CRB disclosure, which costs £36. Therefore, in total, the cost is £64, but the ISA registration is only £28, which is a reasonable amount. Good and responsible employers may well choose to take on such a scheme, and it would be right for them to consider it and, arguably, it would make them competitive in attracting employees.

We must recognise from where the funding comes. If we provide the checks for free, the money will come from tax funds. If we charge a fee, the scheme will be paid for from that. Therefore, we have two payment options because the money has to come from somewhere. It is not for the Home Office to direct employers what to do, but other Departments—the Departments of Health and for Children, Schools and Families—may choose to have discussions with some of those who require people to have checks.

Kelvin Hopkins: I am listening to my hon. Friend with interest, but I am sure that it requires only a simple adjustment to the legislation to make it statutory for employers to pay the costs.

Meg Hillier: There is no time for legislation on such a basis even if it were in the Government's mind. However, I hope that most employers will take up the scheme. Once employees register, the scheme is portable. There is a one-off registration. The scheme is similar to the security checks at airports in which employees can be required to contribute.

I do not have the time to go into the issues around CRB performance, but let me reassure hon. Members that it is not as bad as it has been painted. We are regularly on target to achieve a turnaround within 28 days. For the ISA registration, there will be a seven-working-day turnaround to get the information back, and only if there is the trigger of information being sent to the ISA will the ISA have to go through its process, so that is much faster. I have already mentioned that volunteers do not have to pay anything at all, which addresses some points of concern.

The concern about duplication of regulatory provisions is important, and I have had constructive discussions with Unison and other TUC members, and their arguments convinced me to consider the matter again. The work is ongoing, so I cannot reveal anything to hon. Members now, but I am grateful to the trade unions and professional bodies for their constructive and detailed input to the discussions. Intense work is still going on behind the scenes.

I want to stress that the roles for regulators are different from those of the ISA, which must ensure that unsuitable persons are barred from work with children or vulnerable adults. It considers risk and not professional competence, which is the role of the regulators. It is important that we recognise the difference. Nevertheless, the ISA works with Unison and keepers of registers to develop clear and consistent guidelines on what information should be referred to the ISA and when. The ISA chief executive has held discussions with some bodies, including the General Social Care Council, the General Medical Council and Unison, and will be meeting Unison again later this month to take matters further forward. An operational workshop involving a number of stakeholders will take place later this month to work through the practical issues involved in the referral process. That came about as a result of a meeting that I had with trade unionists and keepers of registers last autumn.

The point raised by my hon. Friend the Member for Luton, North in respect of harm is a sound one and goes to the heart of what we are discussing with stakeholders. The ISA has no interest in creating an unnecessary and unwieldy bureaucracy that might hinder rather than improve safeguarding. The suggestion that any person who is on a professional register would have their case heard and concluded by the professional regulator prior to referral to the ISA is, in all likelihood, how the process will work. We must ensure that we are aware of any potential loophole or flaw in the process, that we have a proper notification and that we know exactly where responsibility lies at each stage of the process. As the Minister responsible, I am anxious that we do not have a system that sets up a chain of events and that, when different bits of the chain slip, we do not end up with a tragedy for which no one takes responsibility. We must have clear lines of responsibility at every point.

As for conflicting decisions between regulators and the ISA, different conclusions might be reached, but that may be for the reasons that I outlined at the beginning. The ISA might not bar someone who has been dismissed for professional misconduct because

[Meg Hillier]

they might not be a risk to children or vulnerable adults, but it might bar someone not because they have been dismissed from the professional body but because it holds other relevant information, and it must take all that information in the round. Therefore, we will sometimes see different decisions, but we must be clear about why. I am very positive about our work with the trade unions and the registers of information on the matter.

On appeals, individuals can appeal to a tribunal only on points of law or fact. It was recognised that the expertise of the ISA board and its professional judgment should not be overturned by a court that does not have the same expert knowledge. The option of continuing to a judicial review of decisions remains and discussions are ongoing with those involved in representing employees about how the scheme will work, and I am still open to discussion. We have to start as we mean to go on, and we start with what we have already outlined and laid out in law. If the scheme does not work, I pledge to review it after the fact and to continue to have discussions about how we ensure that it works properly. Let me reassure all concerned that the factual information provided will be properly considered.

I have very little time left, but I want to stress that I went to Darlington and met the caseworkers, and I will write to the hon. Member for Basingstoke about the training aspects. I had a very positive experience meeting them and I was impressed with how seriously they take their jobs and their decisions, knowing the impact that they have on people's lives.

Let me clarify that the ISA scheme does not apply to private and family arrangements or infrequent arrangements. However, when carers—those of us who are parents or caring for anyone who is an adult—hand someone over to others who are not in their direct control, they need the reassurance that they are safe. That is what this scheme is intended to do and what I believe, with the adjustments that we are making, it will do.

Let me reassure the hon. Lady that we are making good progress on the police national database. Moreover, I have to say that we have not been inept on the communications front. We have done a lot to communicate with different bodies, but sometimes, alas—as a journalist myself I find this distressing—newspapers do not always check their facts properly and headlines can alarm people. We will continue to provide information. The helpline has dealt with many queries and e-mailed responses. A lot of work has been done by the ISA to help to guide people through the process. Youngsters of 16, 17 and 18 do not need to be vetted. As for the issues around overseas visitors, I will write to the hon. Lady about them and send a copy to other hon. Members.

In summary, the scheme is important and I welcome the debate on it. It is a shame that we have not had more time to discuss it.

Island Transport Services

11 am

Andrew George (St. Ives) (LD): This is a very important debate for my constituents, who are extremely concerned about the links between mainland Penzance in west Cornwall and the Isles of Scilly in my constituency.

I am delighted to have secured this debate. Although I understand, of course, that there are very few constituencies south of the Scottish border that have islands with substantial populations who have questions about island transport services, such services are none the less important to my constituents.

I am grateful to the Minister and his Department, particularly for their work during the passage of the Concessionary Bus Travel Act 2007. At that time, I raised concerns about what would happen to ensure that residents on the Isles of Scilly achieved parity with those people who were fortunate to have roads and bus services between the communities that they needed to communicate and travel between. I raised those concerns because the water buses—the launches that operate between the Isles of Scilly—are the equivalent of bus services elsewhere. Therefore, I am grateful that his Department was prepared to consider that issue in 2007 during the passage of the Act and that it found a settlement that I know both the council and the residents of the Isles of Scilly were satisfied with.

This debate, which is a 90-minute debate rather than a 30-minute debate, is very specifically geographically focused on my constituency, particularly the west of my constituency, and it is related to the future plans for investment in and improvement of the Isles of Scilly ferry link. For reasons that I need to explain and that I must at least put on record today, this project has been seriously knocked off course by a recent decision, which had been predicted for some time beforehand. The reason that I have secured this debate in Westminster Hall is that I now need the support of the Minister; ideally, I need his intervention, but certainly I need his advice, to help to ensure that this project can be put back on course and that we can find a way forward for it. We need to find a way to ensure that this project can proceed.

By way of assisting the Minister, I will just run through in advance a number of questions that will arise from what I am going to say, to give him the opportunity to reflect on those questions while I paint, if you like, the picture that lies behind them. I will perhaps come back to those questions at the end of my contribution, but I thought it would be helpful if I gave him early notice of them.

The Minister's colleague, the Minister of State, Department for Transport, the right hon. Member for Tooting (Mr. Khan), recently wrote a letter to me, dated 22 December 2009; as the Minister knows, I have corresponded with both him and the Minister of State. In that letter, the Minister of State reasonably stated—I entirely understand his statement—that

> "as the decision Minister on any final funding approval for this scheme"—

that is the Isles of Scilly ferry scheme—

> "I must decline requests for a meeting. It would be inappropriate for me to involve myself in the local debate on specific proposals for a scheme and even more so as the scheme is also the subject of due planning process."

I entirely accept and appreciate that comment. He goes on to say:

> "However, this should not be interpreted as a 'snub' by anyone—I remain fully supportive of your efforts to bring this scheme to a speedy conclusion."

I appreciate those remarks, because I must say that it has been a difficult negotiation locally on this scheme and it remains difficult now.

However, there has been a recent development, which is the rejection by Cornwall council of its own transportation department's application for listed building consent for one aspect of Penzance harbour. Of course, gaining that consent is critical to the progress of the ferry scheme and so there is now probably a need for aspects of the scheme to be reviewed. In the light of that development, are there circumstances in which the Minister would be prepared to join me in a meeting with others to help to find a productive and constructive way forward for this project?

In my opinion, the best way forward would be to have input by the Regional Minister, the Minister for the South West, the right hon. Member for South Dorset (Jim Knight); the Government office for the south-west, which I have been speaking to on this issue and which has been very helpful, I must say; senior officials from English Heritage, who I have also spoken to and who are very keen to make a constructive contribution to finding a way forward; and of course officers from Cornwall council. Crucially, however, we also need senior officials, or at least those who can be given an "executive brief", from the Department for Transport to help us find a way forward. I have already offered to convene such a meeting or series of meetings, in the event of receiving the appropriate agreements from all concerned. My second question therefore is, will the Minister be prepared to commit some of his senior officials to assist with that meeting or series of meetings?

In the letter dated 22 December 2009 from the Minister of State, Department for Transport, which I referred to a moment ago, he told me:

> "You may be aware that the South West Region recently carried out a further review of its current programme. I am pleased to report that the Region continues to support this scheme and have, on an exceptional basis, accepted to increase the allocation for the Isles of Scilly scheme to £36m. I hope this provides some reassurance that this scheme is still a priority for the Region and Department."

Although I query how decisions can be made in a region where there is no line of democratic accountability, I will not probe that issue at the moment. None the less, I am pleased that that decision has been made and that the scheme remains a priority.

That letter from the Minister of State was clearly written after the planning decision that I referred to, which was made on 14 December 2009. Therefore, bearing in mind the rather catastrophic situation that we found ourselves in just before Christmas, I am reading it into the Minister of State's letter that there is some support from the Department for Transport to find a way forward for the scheme.

The funding package for the project, which should secure the improved ferry scheme for the next 25 years, therefore comprises £36 million of the Department for Transport's regional transport fund; £11 million from the European regional development fund, because Cornwall, being the poorest region in the UK, is a convergence region, and £10 million of loan capital from Cornwall council. So my final question to the Minister today is, because this project will now inevitably spill over beyond the current financial year and, I am sure, beyond the general election, before a full approval case can be presented to him and his Department, what advice or assistance can he offer to help us ensure that both the hard-won funds and the work that has been going on during the last six years to bring this project forward will not be lost and that the project will proceed? I also ask the Conservative Front-Bench spokesman and my hon. Friend the Member for Cheadle (Mark Hunter) what happens to projects that do not reach full business case approval before a general election. I will be interested to hear in their winding-up speeches what reassurance they can offer.

I do not expect from any of the three hon. Members copper-bottomed guarantees to my constituents on the Isles of Scilly or in Penzance that the funds will be in place, but it is important to give some indication on that. I am interested in their comments, bearing in mind that the project has now gone through so many stages of preparation. It is the eleventh hour for a final decision; I will return to the reasons why we are in such a parlous situation. I would find it helpful if all three hon. Members, especially the Minister, addressed the matter. The Minister may also wish to offer other advice or recommendations that might help ensure that the project is brought to fruition in the current difficult circumstances.

It might be worth while to outline a few points by way of background. The project originated in some campaigning in which I was involved when I was first elected and a debate that I secured, oddly enough, eight years ago in this very Chamber and more or less at this time, on 8 January 2002. It was a 90-minute debate entitled "Rural and Island Transport" in which I compared the subsidy provided to the Isles of Scilly—zero—to that offered pre and post-devolution to the isles of Scotland. Parity with the Scottish islands was the primary basis on which I argued that the Government should consider seriously the need for improvements and investment in the future of the Isles of Scilly ferry link.

The plans for the ferry link emanate from that, as well as from concerns expressed by the Isles of Scilly Steamship Company that its turnover provided insufficient capacity for investment in the kind of vessel and the harbour infrastructure needed to bring the service up to both the safety standards expected by the Government and the standard of comfort relative to services elsewhere in Europe expected by the travelling public.

The Isles of Scilly Steamship Company vessel Scillonian III was purpose-built in 1997—I hope that the Minister is listening—with the support of the Labour Government in the form of a £1 million loan to assist with purchase and construction. Perhaps former Prime Minister Harold Wilson's connection with the Isles of Scilly had something to do with it. I am sure that he would not have been pulling strings at the time, but it would have assisted negotiations. Because of the extremely rough and inclement sea conditions at this time of year, the service runs seven months a year, from March to November, crossing the 42 nautical miles between Penzance and St. Mary's in the Isles of Scilly. A freight vessel, the Gry Maritha, also runs three times a week throughout the year and is an essential lifeline to the Isles of Scilly.

[Andrew George]

The progress of the project has been good since 2003. I took a delegation to see the then Minister and Member for Plymouth, Devonport, David Jamieson. One thing led to another, and we negotiated and secured a project, which put the funding in place and encouraged local authorities to establish what they described as a route partnership between local councils and the Duchy of Cornwall, which owns substantial amounts of land and property in Cornwall and especially on the Isles of Scilly. In the early days, a proposal was made to include within the route partnership a bid to purchase a new helicopter for British International Helicopters, which provides a lifeline air service to the Isles of Scilly in addition to the fixed-wing aircraft that runs mainly from Land's End to St. Mary's. However, that element of the project evaporated over time and the partnership returned to the issue of the vessel.

A great deal of progress has been made, particularly in recent years. The proposed design of the vessel has been agreed and competitive tenders have been made. Some are very good, particularly in the current market, and would provide the island service with a lot of boat for little money, so I am sure that the partnership will be keen to proceed with them and not lose them. However, the competitive tenders expire at the end of the month, when the partnership must either seek an extension or run the whole process again. Equally, regarding the two remaining companies operating the service through the process, the tender exercise has been completed and the tenders will expire mid-February.

Permissions have been granted at both the harbour revision and planning stages for St. Mary's harbour on the Isles of Scilly, and the harbour revision order for Penzance has proceeded, although a judicial review challenge is pending, so I do not imagine that the Minister will want to comment on that. The crucial issue is that the listed building consent planning application for Penzance has not proceeded, having failed on 14 December.

A great deal of progress has been made over time, but the question is how the project has foundered on what are known in Penzance as the Battery rocks, which stand to the south of Penzance harbour. Difficult decisions have been made, and after much scoping and a working consultants' report, the narrowing of options regarding the vessel types and port infrastructure has proceeded with little contention, although a lot of the process was bound to be contentious. It was important that the route partnership and its membership listened and were prepared to compromise when they found themselves in difficulty.

The proposed scheme for Penzance was exhibited on 30 September 2008. Until then, because the decisions to be taken were all local, I, like any other Member of Parliament, kept out of them. The more contentious they were, the more likely I was to keep out of them, also like any other Member of Parliament, but what concerned me after the exhibition was the nature of some of the objections to the proposals and the vociferousness and widespread concern about how the project was proceeding. Although I did not wish to offer a view on any of the planning merits of the proposal, I was concerned about the process, particularly the consultation with the local community and English Heritage's recommendation that, for the project to proceed, the route partnership should seriously investigate alternatives. I was worried that that simply was not happening.

I called for constructive dialogue and for calm and rational consideration of the route partnership's favoured proposal and the alternatives. As a result, rather than proceeding with the planning application in October 2008, the route partnership delayed and reconsidered. It held a further public engagement exhibition in Penzance in January 2009 and proceeded with the planning application in February. It was clear to me that there would be serious difficulties, given the extent and nature of the objections. Fearing that the project was about to be scuppered, I called on the partners to come together to take a genuine look at the alternatives. I am pleased to say that the officers agreed to such constructive discussions and that they began in April last year.

At the same time, English Heritage wrote to Cornwall county council—that was before it was changed to a single unitary authority, which I voted against. English Heritage's letter of 21 April followed other letters expressing its deep concern about the proposal and outlining the significance of the location for the proposed freight terminal. It was to be built in the part of the harbour with the most historical significance. In particular, a south-facing wall where five centuries of harbour development were visible was to be covered in concrete, and that was the fundamental reason why English Heritage urged the council to consider alternatives. The letter asked that

> "consideration be given to locating the passenger and freight terminus in an alternative location, less harmful to the historic environment."

The lengthy correspondence from Mr. Simon Ramsden on behalf of the regional office of English Heritage contained clear warnings.

On 12 June, during negotiations in which I was encouraging the council to look at the alternatives, the planning application was eventually withdrawn and an options study agreed to. I convened meetings to ensure that that was pursued. Halcrow, the consultancy that had been engaged previously, was appointed to undertake the work. The Penzance Harbour Revision Order 2009 was finally passed on 27 August. Halcrow's options appraisal report, which came out at the end of August, confirmed that although the preferred option of building on Battery rocks would be the most expensive in capital costs, it had the lowest forecast operational costs.

That was a crucial turning point in the process because the route partnership had the opportunity to review its approach. Leaving aside the merits of the options and the report, my assessment was that the route partnership's favoured option was the least politically deliverable. I use that expression deliberately because my assessment was concerned not with economics, but with policy. I was concerned that the proposal simply would not get through because of the strong opposition to which I have referred. English Heritage, a statutory consultee, was saying that there should be more commitment to considering the alternatives. There was a threat and a likelihood of judicial review or legal challenge if the favoured option was decided on because a number of process issues were not satisfactory.

As all Members of Parliament know, when providing political leadership, one has to take the rough with the smooth. There was a lot of rough coming my way at that time, but I do not mind that. We needed a considered, calm and rational debate on the proposals, but sadly we had a response that fanned—or poured paraffin on—the flames of the concerns and opposition in Penzance. Cornwall council's portfolio holder made injudicious comments and the Council of the Isles of Scilly felt it could tell Penzance what it should do with its harbour—not a clever move. That tipped the project into almost certain political undeliverability in September.

I called seven public meetings: six on the Isles of Scilly and one in Penzance. They were well attended and the people were extremely passionate. The majority of those who spoke on the Isles of Scilly were passionately opposed to the line I was taking, to my warnings and to my preferred option, even though that is not a material consideration because I have no say in the matter, as the Minister knows. However, I answered the question of which option I preferred, rather than avoiding it.

The Council of the Isles of Scilly proposed a motion that tried to draw the Minister into the merits of the planning decisions that were to be taken by Cornwall council, rather than communicating its concerns to the council. It also made some inaccurate and disparaging remarks about me, but I will leave that aside. I was provoked to write to the Minister to apologise that he had been troubled by questions that should not have been directed at him. I expressed concern that the actions of the Council of the Isles of Scilly risked derailing the project and about whether the council was representing the views of the islanders.

As a result of the motion, I received my largest postbag ever of personal support from the islanders. Sadly, I cannot give names to the comments because of the fear of reprisals and intimidation on the islands, but I will give a flavour of what was written. On 16 October, the day after the council's decision, one person wrote:

> "I personally do not think the residents of the Isles of Scilly should 'tell Penzance residents what they should do in their area/community'."

It goes on to say that

> "the word so many people are forgetting is PARTNERSHIP. Not a dictatorship, which as an observer, appears to be the stance from the Council of Isles of Scilly. As MP for the Isles of Scilly, please could you ask for an enquiry as to why the Route Partnership failed to engage with the Penzance residents and how this 11th hour mess could have been avoided?"

Another letter stated:

> "Unfortunately there is a climate of intimidation and few wish to speak out…I wish you strength and patience. Do not allow our council to bully or intimidate you. We rely on you to remain our voice of reason."

Another person points out

> "how appalled I am by the recent actions from the Council of the Isles of Scilly, and I express all my sympathy to you when you face such unjustified, unfair, and misinformed fire"

A further letter dated 19 October states:

> "Many people, with a great deal of ability, within these Islands feel they are excluded from entering into debate on major issues that affect their community due to conflicting interests and the fear of persecution by what has become over the last few years an all-powerful local authority, led under the mantra of 'divide and rule.'"

Another person has written:

> "I was extremely sorry to learn about the way you have been treated by the Isles of Scilly Council"—

and so on. There were many more such letters.

I mention those letters simply because they show the concern that decisions were not necessarily being taken on behalf of the community as a whole. As I mentioned, on 14 December, of course, Cornwall council's strategic planning committee recommended the rejection—it cannot ultimately make a decision—of the planning application for the critical element of Penzance harbour.

There is no satisfaction in going through an "I told you so" routine when such an important project has been seriously jeopardised by what can be described only as wanton obstinacy. There is tremendous concern about the future of this important link, and although I do not think the link itself is in jeopardy, the project certainly is. Clearly, in such circumstances, there is no shortage of accusations flying around.

Where do we go from here? In his message to council members before Christmas, the chief executive of Cornwall council stated:

> "We are continuing to work with English Heritage to remove its objections to certain aspects of the scheme."

I have spoken to English Heritage and it is not aware that any representations are currently being made. He went on to say that

> "we are seriously looking at Falmouth as an alternative."

Such a proposal would extend the ferry time by at least another hour and a half, would probably jeopardise the link completely and is therefore is not a serious option—in fact, I do not expect the Minister to comment on that.

Many people are concerned about what has happened, and a number of criticisms have been made about the political nature of the decisions taken. There has been particular confusion about the kind of planning application that should have been made at Cornwall council's level, and concern about the lack of proper consultation, the misjudgement that I have mentioned, and the perceived bias of some of the planning documents.

I mentioned a number of public meetings. More than 500 people turned up to the one in Penzance on a rainy Friday night—indeed, I believe that we had to turn people away because the hall did not have the capacity to take them. Some 500 people voted against the council's proposal and three voted in favour. I tried to urge the route partnership to play a part in that meeting, but it refused to engage with the public at that level. That is obviously an issue of deep concern.

The two ships themselves—the Scillonian and the Gry Maritha—obviously provide a vital link to the Isles of Scilly. The Minister's Department—through the Maritime and Coastguard Agency—is clearly responsible for giving the ships their certificates of sea worthiness. I believe that once the freight ship itself completes this year's five-year survey, it will be seaworthy until 2015. Scillonian has a five-year cycle of surveys, which should at least mean that it is available until 2014. The sustainability of the link for the next few years is, I think, assured, unless the Minister has anything further to say about that.

Although I passionately favour devolution and would like Cornwall and the Isles of Scilly to be given a great deal more power, as the Minister might know, I would like central Government to come in and offer support at this stage. I am keen to work with the Minister to achieve that. We need a quick review of the project and

[Andrew George]

a quick exploration of the alternatives to the conundrum that Penzance faces. There are workable alternatives and the consultant's report certainly shows that.

Perhaps the Minister will comment on the question of the extension to the deadline for the full approval submission. Such an extension is bound to happen, because I cannot see how the full approval submission can be given to his Department in the next four to six weeks. The matter will not therefore proceed before the end of this financial year. For that to happen, the Minister needs to indicate his discretion and intervene. I appreciate that legal consequences constrain what he can say, especially in the light of the judicial review of the harbour revision order for Penzance. However, leaving aside that order, there are substantial issues on which the Minister can comment in the context of the situation that we face.

The portfolio holder for Cornwall council, Councillor Graeme Hicks—I do not think that I have mentioned his name already—said in the *Western Morning News* on 17 November that the prime concern of the route partnership has not been to reduce capital costs, which will largely be covered by grant funding, which is vital to the islands' communities, but to decrease running costs, which will not be covered by such funding. The Minister might wish to reflect on the use of capital funding to reduce the revenue consequences of such a project. Whatever package is ultimately put in place to secure this vital link, my constituents on the Isles of Scilly are keen to ensure that the islands are not saddled with unacceptably high freight costs. The funding package needs to be managed in a way that ensures the economic viability and affordability of the scheme, whatever infrastructure configuration is put in place. That should remain uppermost in the minds of those who seek a settlement of the issue.

I am grateful for the opportunity to raise such a parochial issue. Obviously, I understand the limitations in place, but I look forward to hearing whether the Front-Bench spokespeople can express some kind of recognition of the difficulties or a commitment to dealing with them. I know that other projects around the UK will experience such difficulties, because there is a risk of slippage beyond the financial year and the general election.

11.38 am

Mark Hunter (Cheadle) (LD): It is a pleasure to have the opportunity to contribute to this important debate under your chairmanship, Mr. Olner. I congratulate my hon. Friend the Member for St. Ives (Andrew George) on securing a debate on what is clearly a significant issue for the people he has the privilege of representing in Parliament.

Having listened to my hon. Friend's contribution in great detail, I frankly do not have much more to add to the debate. He has covered almost all the relevant details of the subject in his usual calm and rational way, and he has spoken passionately and knowledgeably on the issue—indeed, he has a track record of doing so since he was first elected to the House in 1997.

My hon. Friend has discussed a link that is important not only for the people who live on the Isles of Scilly, of whom there are approximately 2,000, but for the wider community that he represents. That link is, of course, also important to the many thousands of people who visit the area because it is a tourist hot spot. Indeed, the people of the Isles of Scilly would be the first to acknowledge, as would my hon. Friend, how important the tourism industry is to them.

My hon. Friend set out the case for a new Isles of Scilly ferry service comprehensively and in his usual quiet and rational manner. In doing so, he made a simple and heartfelt plea on behalf of the people he represents, and I think we would all agree that that deserves a positive response from the Minister. It is a measure of the man that, despite all the difficulties and challenges of the issue, which he has chronicled in detail, and the controversy and the various threats of intimidation, which most of us will have heard with great concern, he has stood steadfast and continued his campaign for the much-needed ferry link between St. Mary's and Penzance.

The ferry link, as I have said, is an issue of extreme concern not only to the 2,000-odd people who live there, but to the wider community. It is about links between the isles and the mainland. Public transport—indeed, transport links generally—is just as important, some would say more so, in the remote parts of the UK as in any other part. We must try to find a way to ensure that the project proceeds, despite the setback of Cornwall council's planning committee's failure to back the plans. My hon. Friend warned that that might happen, and today he simply seeks ministerial support to extend the funding deadline so that all workable options can be explored.

The message is straightforward. Will the Minister throw the scheme a lifeline, so that those across the spectrum who want the project to succeed—my hon. Friend made great play of the fact that it is not a partisan or party political issue—can work together to seek a viable solution? Surely, the Government who are elected after the general election, of whatever political hue, will not abandon their commitment to those who live on the Scillies. I am prepared to say on behalf of my party that, despite the setbacks that were well chronicled in my hon. Friend's contribution, we believe a new Isles of Scilly ferry link is not only desirable but essential, and public funding is a key component of that.

I think we would all agree that my hon. Friend made the case today comprehensively, in great detail and in a calm, rational and bipartisan manner, and it deserves that kind of response. I, too, look forward to what the Minister might be able to say by way of extending a lifeline and some hope to the people who live on the Isles of Scilly and the wider community that the ferry link will go ahead and will not fall merely as the result of a funding deadline that, despite the best efforts of so many, will not be met. That is the key question that should occupy Members in the debate today.

11.43 am

Mr. Julian Brazier (Canterbury) (Con): It is a pleasure to serve under your chairmanship, Mr. Olner. I, too, congratulate the hon. Member for St. Ives (Andrew George) on securing the debate. It is clear how committed he is to his constituents and how much work he has put into the issue, although I am a little puzzled by his stance, to which I shall return in a moment.

I do not know the beautiful Isles of Scilly at all, but I get second-hand reports of them that are full of praise from a family member who holidays there regularly. The ferries to the isles from Penzance are pivotal to tourism not only for the Scillies, but for Penzance, where they play a significant role in the local economy, as the hon. Gentleman acknowledged. I am impressed by the project to regenerate Penzance harbour and the impact it could have on improving transport links for the town as well as for the isles. Derek Thomas, the Conservative parliamentary candidate for St. Ives, has told me that it is essential that the sea link from Penzance to the Isles of Scilly is improved, both for handling freight and for improving the passenger experience, through a new ferry service.

I understand that three options were examined, of which two are still on the table. Option A, the main option that the hon. Member for St. Ives discussed, falls within the £44 million budget originally allocated, including the substantial grants from central Government. It would comprise freight and terminal facilities on reclaimed land at Penzance harbour and a pier extension with rock armour protection for the pier. Cornwall county council was minded to accept that option. It had already applied, as the hon. Gentleman mentioned, for a harbour revision order, which involved significant changes to the grade II-listed harbour sea wall, and crucially, English Heritage accepted that. Sadly, English Heritage seems to have changed its tune and objected to option A because of concerns about the preservation of aspects of Penzance harbour, whose antiquity I fully recognise.

Cornwall county council's strategic planning committee was forced to reject that proposal because it was told that it would not get past English Heritage. Nevertheless, Councillor Alec Robertson, the leader of the council, has told me that he continues to believe that that is a viable option and is working with English Heritage to resolve its concerns—I think that the Minister is nodding.

Option B was dropped because it would have involved hugely increased operating costs and destroyed several local jobs. The only remaining option is option C, which proposes that the freight depot should be relocated to the village of Longrock and that the old Trinity House museum at Penzance should be converted into a passenger terminal. It does not include plans to extend the pier or provide it with rock armour protection. Both options include a new combined passenger freight vessel, which would operate at similar speeds to the existing Scillonian—I will not repeat the points that the hon. Member for St. Ives made about that.

If a consensus is not reached on one of the options, and option A is clearly the favoured one, the historical links could be under threat as there is a danger that Falmouth could re-emerge as an option. For all the reasons the hon. Gentleman set out, that would be extremely unsatisfactory.

According to the Office for National Statistics, about 100 jobs in Penzance and on the Isles of Scilly are within water-based transport. I understand that the recent Mott MacDonald analysis conducted on behalf of Cornwall country council showed that 31 of those jobs relate to the passenger and freight ferries operating from the harbour.

Visitors generate revenue for local shops, restaurants, bars and taxi firms, and the council estimates that approximately 190 jobs in Penzance are dependent, directly or indirectly, on business links with Scilly. Although average earnings in the south-west hotel and restaurant sector are extremely low—£11,500 a year—those jobs inject a combined £2.2 million into the local economy, so Penzance's economy would be affected as well as that of the Isles of Scilly.

It is also important to stress the impact that suspending freight services would have on Penzance. Some 12,000 tonnes of freight are delivered to the Isles of Scilly each year, 95 per cent. of which goes through Penzance, so the loss of freight services to the Isles of Scilly could kill off Penzance's harbour.

Option C, which I have mentioned, would have several practical difficulties. It would delay the project further, which in turn would lead to the need to repeat vessel tenders that will have gone out of date, and another delay in the harbour works to suit the seasonable need of marine works. In a letter to the hon. Member for St. Ives, the Minister who was then responsible for shipping made it clear that the Government would withdraw funding if the agreed time scales were not met—I hope that the Minister will come back to that point in his speech. The delay involved in option C would further increase the costs by £5 million anyway, so that option looks less attractive.

Unsurprisingly, both Derek Thomas and Cornwall county council have told me that they have concluded that option A offers the best solution. Operationally, it is simpler and easier to manage with activity on only one site. Option A would maximise harbour regeneration opportunities, and allow enhancement of the south pier, reclamation and rock armour protection along the full length of the listed harbour, thereby reducing storm damage to it. Investment in the Penzance south pier would reduce future maintenance costs on the grade II-listed pier via the rock armour protection to the seaward face, but all that depends on persuading English Heritage to change its mind.

Andrew George: I entirely accept the hon. Gentleman's points about the significant importance of the link between Penzance and the Isles of Scilly for jobs and economic benefits to Penzance, but I am not sure that he has been well briefed on the impact of pursuing option A versus that of pursuing option C. The £5 million figure that he cited would be for anticipated additional costs should the project be delayed, whether it be option A that causes the delay or a failure to pursue option C at an earlier stage, which would also result in delay.

Mr. Brazier: I accept the hon. Gentleman's point, but option C includes inherent further delays. I mentioned a couple of them, including the requirement to retender for the vessels. There is a further point: Cornwall council has estimated that option C would involve an additional cost of up to £150,000 a year for the freight facility, so there is a substantial extra operating cost.

I should say something further about the hon. Gentleman's handling of the matter. I make it clear that I fully understand his commitment, but when any constituency MP is faced with competing desires among elements of their constituency, with some people in favour of one thing and some in favour of another, they of course hold consultation meetings, and the outcomes of those meetings tend to depend, to some extent, on the part of the constituency in which they are held.

[Mr. Brazier]

However, at the end of the day, attacks on the process, even if there have been flaws in the it—I am not in a position to comment on that—are no substitute for coming to the view that a particular outcome is needed.

As I understand it, the hon. Gentleman believes that the project is needed, and needed soon, which really means that option A is needed. He accuses the Council of the Isles of Scilly of intimidation, but I must say that I do not recognise that. One does not normally identify the Isles of Scilly as an area of huge intimidation—that is not the picture painted by my family member who frequently holidays there.

The *Western Morning News* reported a view that the hon. Gentleman's meetings were

"not a constructive way forward for the project at this late stage in proceedings".

I know that the county council also raised several points about that. He must accept the logic of his own conclusion. There will be some elements in Penzance that will be sorry to see the changes involved in the process, but, if something is to happen in a reasonably timely fashion and without a lot of extra costs, option A is the realistic option on the table. To will the end but not the means is not consistent.

The hon. Gentleman rightly asked—if I were a constituency MP in his position, I would have done the same—for a view from each of the Front-Bench spokesmen as to whether the project will be funded. He did not get an answer from his party's Front-Bench spokesman—

Andrew George: I did.

Mr. Brazier: Well, not a full answer, and the hon. Gentleman will not get a full answer from me.

Mark Hunter: I am not quite sure—

Andrew George: The hon. Member for Canterbury (Mr. Brazier) was not in the Chamber.

Mark Hunter: Yes. With great respect to the hon. Member for Canterbury (Mr. Brazier), he was, in fact, out of the room, or had at least popped to the back—I was facing Mr. Olner in the Chair. I clearly gave my party's view on the matter, so I hope that he will withdraw his comment. The record will show what I said, and there is no doubt about it.

Mr. Brazier: I apologise. I was out for a moment to answer a message on my mobile phone, so I withdraw the point. I listened to the hon. Gentleman's peroration, and I had assumed that he would have included his answer in his summary, in which he made several fair points but did not give a firm commitment to providing the money. If he did so earlier while I was out of the room for a moment, I apologise and withdraw my comment.

Given the current state of the public finances, it is impossible for a spokesman for a party that might well be in office in a few months' time—I do not anticipate anything from the election, but there is a reasonable prospect that my party may be in office—to make an absolute commitment on public spending. However, there are two points that I can make.

First, it seems wholly unreasonable to say that a deadline a few weeks away must be a hard and fast condition for receiving the money. Clearly, that is ridiculous. Secondly, I hope that, when considering this matter, English Heritage will not allow itself to become simply a spanner in the works. I have the greatest admiration for the work that it does to protect important heritage, including a great deal in my constituency. However, given that it has already conceded much important ground in respect of the harbour revision order, I very much hope that it will not simply become a spanner in the works should it prove possible, as I very much hope that it will, for this extremely worthy project to go ahead.

Andrew George: Will the hon. Gentleman give way?

Mr. Brazier: I am about to finish, but I shall give way one last time.

Andrew George: I am grateful to the hon. Gentleman. Of course, I entirely understand that there is a general election coming and that therefore he probably could not resist commenting on my handling of the situation—I leave that to others to judge. However, on English Heritage and its role, as I have said, it has already made it clear that it wants to offer a constructive role in seeking a workable alternative, and it has professional, capable officers who are prepared to come and work with others to find a way through. That is willing the means, as well as trying to achieve the ends.

[MR. PETER ATKINSON *in the Chair*]

Mr. Brazier: I understand what the hon. Gentleman is saying, but the options are narrowing. We are now down to two options. The second one would be more expensive in capital terms partly, as he said, because of delays, some of which are inevitable. It would certainly also be more expensive in current terms, and this at a time when money is critically tight.

I very much hope that attention can be focused on option A, which the county council believes is the best option. I hope that any Government, whatever their political complexion, will look at it with some enthusiasm, because it is important for the local area, and I very much hope that it will be possible to fund it so that it can go forward in a timely fashion.

11.58 am

The Parliamentary Under-Secretary of State for Transport (Paul Clark): I offer best wishes for 2010, Mr. Atkinson. Let us hope that we have a constructive year. If Mr. Olner had still been here, I might have said "successful", but I will not say that. Seasons greetings to you and to hon. Members in this Chamber.

At the outset, I congratulate the hon. Member for St. Ives (Andrew George) on securing this debate on a fundamentally important issue. It is important not only to those on the Isles of Scilly for reasons of social inclusion, education, economic prosperity and tourism. As the hon. Member for Cheadle (Mark Hunter) said, it is also fundamentally important to Penzance and the wider region for attracting people, jobs, business and trade to the region. It is important to all the good people who work and operate in the area.

The Isles of Scilly came to my attention as a young lad in short trousers when that great former right hon. Member for Huyton holidayed there. What a marvellous leader he was. Having put that on the record, I should say that I recognise the importance of that area.

If hon. Members could see my in-tray and that of the officials in the Department for Transport, they would see that the hon. Member for St. Ives has certainly been working hard, seeking a way forward on this important issue. I recognise that he has held seven public meetings and so on, and all that has happened. However, I am interested in the fact that he now wishes the Government in Whitehall, many hundreds of miles away from his constituency, to start imposing processes on democratically elected bodies. I say that genuinely, because I am not going to comment on quotes such as the one about whether the decisions were being taken on behalf of residents overall. All local authorities, whether the council of the Isles of Scilly or Cornwall council, need to take part in these processes, as part of the day-to-day process that goes on.

I give this commitment at the outset: we support the need for there to be a viable passenger and freight service, which is important for all the reasons that I have just outlined, but I cannot dictate—I would be highly surprised if any Liberal Democrat Member suggested that I should dictate—what should be the final outcome. The hon. Member for St. Ives quoted someone saying something about this needing to be a partnership not a dictatorship, and that is exactly where the solution must be found. I will answer the hon. Gentleman's questions, which he set out clearly at the beginning, as I go through.

Andrew George: I look forward to hearing the Minister's response to the other issues. I want to reassure him, in case he misunderstood, about the nature of the question that I was fundamentally asking. I am not asking him or his Department, or anyone in the Government, to come in and impose a solution in circumstances where a solution needs to be the product of decisions taken by the democratically accountable bodies representing the communities that are served by the service. However, I seek reassurance that his Department will assist—and that requires some executive decisions. Certainly, a decision on the extension of the funding can be taken only by his Department, not by local authorities.

Paul Clark: I hear what the hon. Gentleman is saying and I recognise that. Let me reassure hon. Members again that we are doing all that we can. My ministerial colleague, the Minister of State for Transport, said in a letter written in December that

> "officials are working very closely and positively with Cornwall Council on this scheme with the most recent meeting held"

in the middle of November. We continue to do that because we want to find a solution. This is an emotive issue that goes beyond the normal sort of transport debate to the heart of creating and nurturing flourishing communities.

Regrettably, I have been unable to meet the hon. Member for St. Ives, despite his asking me on a number of occasions. That is not, to quote again from the letter, a snub: it is because ongoing legal matters are involved, and that is the only reason why. I am sure that hon. Members are aware that I cannot discuss in detail the harbour revision order, the listed buildings consent order or the proposed planning application from Cornwall council. It would not be advisable for me, a decision-making Minister, to do that because I could be involved in processes later on. However, it might be useful if I answered the questions posed by the hon. Gentleman and gave an indication of the implications of any revised time scales. I hope that this scene-setting will help to take that forward.

It is crucial to maintain the existing links between the mainland and the isles. I put that on the record because it is clearly our position. They are an essential lifeline to more than 2,000 islanders and they allow trade and tourism to flourish. Some 140,000 visitors a year are attracted to make the journey down to the beautiful south-west. To give an indication of how vital retaining the Isles of Scilly link is, the tourist board for the south-west estimated that 77 per cent. of employment on the islands relies on tourism. It cannot be much clearer that there is an overriding need, just in economic terms, to ensure that there is a safe, affordable link to the islands.

For many people the stopover in the scenic and historic town of Penzance and surrounding areas before moving on to the islands is an essential part of the experience. That is why I picked up on the comment made by the hon. Member for Cheadle about the economic prosperity not just of the isle, but of Penzance and the surrounding area. That is all part and parcel of the work that goes on. An assessment in 2009 said that 190 jobs in Penzance alone are directly or indirectly related to tourism and trade with the Isles of Scilly. Those issues should feature prominently and those two employment facts should be at the forefront of our thinking about the future and the timing of the delivery of a solution to the issues that we face.

As hon. Members have already highlighted, current links include a plane from Land's End and a helicopter from Penzance, which continue to offer excellent, speedy transport links to the islands. Equally, the existing passenger vessel, Scillonian III, and the freight vessel, Gry Maritha, provide the unique travel experience enjoyed by many—although I understand it is not so good when the swell is up. I had that experience when I was in the North sea. I have been advised by members of my own office that the journey across on Scillonian III is beautiful. However, we have to recognise that although various works, including maintenance works, have been undertaken and that it probably has a certificate until 2012 on the passenger side, which might be able to be extended, there is clearly an issue vis-à-vis health and safety and long-term sustainability that must be taken into account.

Andrew George: The Minister is aware that the Maritime and Coastguard Agency regularly inspects the Scillonian III. I understand that, as a passenger ferry, it is subject to a five-year round of annual inspections. Obviously, the thing that is under inspection most in relation to the Scillonian III is its life-saving apparatus, which may have an impact on the passenger numbers that it can take. However, I hope that we can work together and ensure that we are communicating and will fully understand if the vessel requires some extension of life with regard to the certificate, which will be necessary should this project be delayed, and that there is some co-operation

[Andrew George]

from the Minister's Department in ensuring that the concerns about the longevity of the vessel are communicated and actioned properly.

Paul Clark: I take that point on board. The Scillonian III was built in 1977 and I want to ensure—as does the hon. Gentleman, I am sure—that we continue to have a regime that is fit for purpose and ensures the safety of passengers, staff and operatives who use such vessels. That must be the overriding concern. If I am right, two overriding considerations were taken into account in 2002-03, one of which was the upgrading of the quays, which was needed to allow safer and more efficient passenger and freight movement. Most importantly, there was the need to acquire a new vessel or vessels, since the current vessels are likely to be past their service fitness by 2012.

As already indicated, the Scillonian III has a licence to operate until February 2012. It is part of the MCA process to continue reviewing that, but we are talking about long-term viability and it is clearly not going to go much further than that date. The freight vessel has been subject to major repairs and is licensed until 2014. Further extensions to the licence may be possible, but that must be underpinned by a firm commitment to replace those vessels at the earliest opportunity.

Cornwall council's proposal to replace both vessels with a single vessel for handling passengers and freight in a safer and more comfortable fashion has been clearly outlined, recognising the two overriding criteria that were identified in 2002. Improvements to the harbours at St. Mary's and Penzance would be needed to accommodate the larger single vessel. Obviously, there are always bones of contention with any such proposal. As the hon. Member for Canterbury (Mr. Brazier) said, that will always be the case due to the nature of planning and major changes, but we need to find the right way to proceed on that basis. It is partly the role of Cornwall council, along with the Council of the Isles of Scilly, to find ways through. I understand that concerns continue regarding the sight lines along Jubilee Pool, the future of Battery Rock beach and the proposed new terminal.

I will not go through the rights and wrongs of what we now know as option A and option C, but I will state again that securing a long-term solution must allow the sea link to operate economically. It must be done on an economic basis or it will not work. I recognise some of the arguments about that being more expensive and issues about freight operations, but this must be done on an economic basis or it will have no sustainability. Any solution must secure vital jobs in Penzance and the island, and it must allow the Scillonians to contribute to the wider UK economy and community and allow passengers and freight to move safely. Those are our key concerns, which I am sure are shared across the Chamber.

Andrew George: In terms of assessing the merits of the scheme before the full approval submission is made, the Minister will be aware that as a fall-back, both councils suggest that this might go to Falmouth as an alternative—a lot of people raise their eyebrows when they hear that. Given the test that he has just set for such an approval, I am sure he would acknowledge that such an alternative would require an entirely new business case, and the whole project would have to be started again. A business case of that nature would take at least 10 months to complete, and would probably require about half a million pounds of investment to undertake all the scoping and investigation work. I would be interested to hear the Minister's comments on that.

Paul Clark: I was coming on to the implications of that. The hon. Gentleman is right: if there is to be any major revision to the proposals, we will need a new appraisal process that would, quite rightly, have to be followed to ensure that a business case could be made and to protect the public funds and so on.

There have been some issues about whether an options analysis was undertaken. My understanding is that in 2004, the route partnership started looking at the details and the range of options for delivery of the scheme, on the basis that I outlined a moment or two ago. It was agreed that the basis behind the options and analysis would be that the vessel and harbour-side operations would be self-financing, and would not continue to have revenue implications for the public sector through subsidised fares or freight costs. The scheme would need to provide for a payback to Cornwall council of any moneys that were provided, and create a sinking fund for the replacement of a new vessel in 20 to 25 years' time. Clearly, a prudent, sensible process was put in place. There were a number of scenarios to look at—doing nothing; doing a minimum option such as replacing the vessel; or doing something on a range of different harbour options, including alternative mainland port options, and alternative layouts for Penzance and St. Mary's harbours.

The conclusion at local level was that option A was the best route forward as it had the smallest impact in terms of the development of the harbours, and was the most sustainable solution for the environment and as a business model. I understand that the route partnership undertook a comprehensive range of consultations on the necessary consents for the harbour revision order, the listed building consents at Penzance, and the planning and listed building consents at St. Mary's. As part and parcel of that process, an additional £400,000 was found to review the potential of option C. That detailed financial analysis showed that such a solution would not solve the health and safety issues that I raised about port security. It also showed that the out-of-town depot would have increased operating costs of around £300,000 a year, with no greater revenue. That was confirmed by a body that operates another out-of-town freight facility on the Isle of Wight. A number of assessments were made in getting to where the local stakeholders and bodies currently are. It would be a sad day if a workable solution could not come forward and a lifeline for economic prosperity was placed at risk.

On the funding arrangements, I commend the south-west region for identifying the Isles of Scilly link as a priority scheme for the region. The region has had a number of pressures on it in respect of a range of transport demands, as many regions do. Not long before taking this portfolio, I made a three-day visit to the south-west and saw some of the work being undertaken at Truro and St. Austell. I opened the new Dobwalls bypass. There is a range of pressures, but I recognise that the south-west region has put the scheme very high on its agenda, and rightly so.

The scheme was supported in the first round of regional funding allocations, and in last year's update to the region's transport programme continued to be so.

The region has proposed an increase to the scheme, with a revised regional allocation of £36 million. That is a resounding reflection of the importance that the regional partners attach to the scheme, for all the reasons that we have identified.

The South West of England Regional Development Agency has also given its full support to the scheme, and long may the RDAs continue to play an important role in helping with economic development for regions such as the south-west. I am sure that the hon. Member for Canterbury would like to agree. The South West of England RDA has identified £11 million—that has been made available—from the convergence fund to support the upgrade of the harbours. There is also, of course, funding from Cornwall council. The scheme has in place for the first time all the funding sources that it requires.

Mr. Brazier: As the Minister invited me to intervene, I shall do so. There are, of course, some things being done by development agencies of which we approve and which we would like to see continue.

Paul Clark: That sounds like resounding support for the continuation of regional development agencies. I am delighted that the enlightened hon. Gentleman supports the bringing together of investment in jobs, homes and the prosperity of regions such as the south-west.

Andrew George: Rather ironically, the decision taken by the regional development agency is to spend money that has been allocated to Cornwall and the Isles of Scilly through the European convergence programme, and of course many people in Cornwall and on the Isles of Scilly believe that such decisions would be better taken in Cornwall than by an unaccountable and unelected body covering the Government zone of the south-west.

Paul Clark: However, this is about bringing together minds and having representatives from local authorities—from Cornwall council in this case—and so on involved. It is about partnership, going back to the very first comment of the hon. Member for St. Ives. It is about partnership, not dictatorship, and drawing together many strands of importance to ensure that we have economically viable regions. That is exactly what has been happening.

That said, it is evident that an appropriate scheme needs to be found, and quickly. The convergence funding must be programmed by the end of 2013 and spent by mid-2015. With pressures elsewhere and such a sizeable commitment involved, any submissions for funds made towards the end of the programme may be too late to secure the £11 million required. Those are some of the issues that must exercise the minds of local and regional stakeholders in finding a way through.

The south-west region will need to consider whether retaining the island link as a top priority represents good use of its capital allocations. Clearly, it believes that at the moment, because it has reaffirmed that and the allocation has been increased to £36 million. Spend on the Isles of Scilly vessel and the harbour is due to start this year. With potential delay, regional partners may consider reprioritising this scheme and bringing forward another scheme from the region. Given the steps that the region has taken to improve scheme delivery and given other calls on funds, the Cornwall and the Isles of Scilly link could find itself reprioritised to later in the current 10-year transport programme, which runs to 2018-19. I think that all those involved in the debate today and the people of Cornwall and the Isles of Scilly would wish to avoid that scenario.

As I said at the beginning, the officials at the Department for Transport have been working closely with all funding partners associated with the scheme and have taken a broader view of the economic and social issues attached to the scheme to ensure that it is ready for delivery. Working up alternative schemes to the one currently presented to the Department is possible but will be time-consuming and costly for the council to pursue, and there is no guarantee that the complex and hard-won funding arrangement in place today will be available when a new proposal is tabled. I believe that it is reasonable that hon. Members and others involved are aware of the risks to funding and relative priorities and how that impacts on the timing of replacement of the ageing vessels. Let me—

Andrew George: Will the Minister give way?

Paul Clark: I will, but I may well be going to answer the question that the hon. Gentleman raises.

Andrew George: The Minister refers to "the region" as if that body is somehow accountable to those in Cornwall and on the Isles of Scilly. I have to say that the decision-making process that it is engaged in is pretty opaque to those who consume the outcome of that decision making. Is it entirely a decision that is delegated to that body that makes decisions on behalf of the Government zone of the south-west as a whole, or do the Minister and his Department have any influence at all in the decisions that it takes? It clearly is not directly democratically accountable to the people whom it serves.

Paul Clark: This is an interesting debate. Clearly, the south-west regional body has said that it believes that one of the top priorities or the top priority is to go forward with the link service—with all the associated works—which needs to be in place for a host of reasons, and to take it through all the modelling and so on that is required to ensure that it is viable and has a sustainable future.

The hon. Member for St. Ives will be well aware that record investment has gone into transport at regional and local level. We have said that it is for regional bodies to consider the schemes that are there and what is required to meet needs, whether that involves objectives to create homes and communities or jobs and prosperity. It is a question of bringing together all those areas to decide which are the best schemes that will help them to deliver their key targets for their regions. Clearly, a set of criteria is laid down to help that process, but it has been a great development that areas are brought together in that way. Rather than just whacking in schemes from Whitehall, with someone sitting in a room saying, "Yes, this is very important. We'll have this scheme but we won't have that one" or "We'll have that one; Penzance doesn't matter", it is far better that that regional prioritisation, which is best understood at local level, is delivered at local level.

Andrew George: Will the Minister give way?

Paul Clark: I want to respond to one or two other points that have been raised and talk about a way forward. There is no deadline on the full approval submission. A business case could be submitted only when all the statutory processes—the legal and the planning—had been completed. The harbour revision order is subject to judicial review. As the hon. Gentleman will know, I have no powers over that to take it forward, but that is the backdrop to the process that is going on.

I am delighted to hear the hon. Member for Canterbury say that the leader of Cornwall council continues to have dialogue with English Heritage. Indeed, I am delighted that the hon. Member for St. Ives says that he knows that there are people at English Heritage who are working hard to find a way forward. That is exactly what has to happen at that level, and I urge people to continue it. The planning application can then be considered as well. It is in that way that we will get a solution to the problem.

Finally on funding, I have never said that we would withdraw the funding, but let me say, in terms of this being an election year, that certainly we have made it very clear that transport issues are important. I have said how important this matter is to the islanders as well as to Penzance and the wider community. I recognise its importance for prosperity, social inclusion and wider issues. Clearly, we will continue to ensure that transport is at the forefront of our spending as we have done over the past 10 years, but I certainly urge all local stakeholders to work hard to find the solution.

Treasury Accounting (Natural Capital)

12.30 pm

Barry Gardiner (Brent, North) (Lab): I wish you the compliments of the season and a happy new year, Mr. Atkinson. The accuracy and transparency of Government accounts have long been accepted as among the fundamental pillars of good governance and democratic accountability, and it was for that reason that William Gladstone established the Public Accounts Committee almost 150 years ago. It is for that reason, too, that we have an Office for National Statistics. It is also why the Government publish a pre-Budget report and why every Budget day comes with not just a red box but, more importantly, a Red Book.

In their policy decisions, the Government must be clear that they are using the country's resources wisely and efficiently. If they are to be sure that economic growth will be sustainable into the future, it is crucial to account for the impact of economic activity on the natural environment. It is also important to be able accurately to assess the value of the natural capital on which so much economic activity is based.

Nature provides human society with an enormous range of benefits, which go well beyond the obvious commodities of food and fuel, for which we are accustomed to paying a market price. The benefits include ecosystem services, such as the soil stabilisation provided by forests and the pollination carried out by insects, coastal protection, climate regulation, nutrient cycling and water purification. They even include amenity services with aesthetic and recreational value.

Recognising that many of those services are predominantly public goods, however, presents a considerable problem for Government accounting and effective policy making. Classical economics treats such benefits and ecosystem services as externalities—free goods with no market price. Given that they have no market price, their destruction does not show up as a cost in the balance of costs and benefits. As a result, natural ecosystems become depleted and the services that they provide become degraded, and human society suffers the consequences of that loss of natural capital. We lose clean air and suffer asthma. The fish in our seas disappear and we lose a vital source of food. We destroy our forests and suffer climate change; we build a cement factory and lose a beautiful view.

Such changes are the inevitable consequence of human beings living beyond their environmental means and consuming every 12 months the resources that the planet takes 16 months to renew or replace. That is a credit bubble of far more terrifying proportions than the one that the world has just experienced. It saddles our children with debts that they might never be able to repay, because we have consumed not just money but whole ecosystems, and nature does not do bail-outs.

That credit bubble has come about because Government accounting systems have not adequately been able to incorporate the true value of nature. If we wish to understand the true value of nature, we must do better at understanding the true nature of value. The Treasury Green Book sets out guidance to the civil service on appraisal and evaluation in central Government—indeed, that is reflected in its subtitle. The Green Book constitutes binding guidance to Departments and Executive agencies, and its latest edition has many virtues. It has replaced the old discount rate of 6 per cent. with one of 3.5 per cent. in real terms. It has introduced adjustment procedures to address the systemic optimism that has afflicted the proper appraisal of policies in the past. However, on the key issue of valuing environmental, non-market impacts, it is hopelessly inadequate.

Here are some examples of the advice given on various ecosystem services. On biodiversity, the Green Book says:

> "The benefits of biodiversity can be difficult to measure, define and value."

Of water, it says:

> "It is not easy to derive economic values for damage costs of water pollutants."

On air quality, it remarks:

> "Assessing the impact of particular policies on air quality is a complex science…In cases where detailed modelling is not possible, a reasoned statement of whether or not a particular policy is likely to result in greater or lesser emissions of particular pollutants should be included in the appraisal."

Finally, on greenhouse gas emissions, it records:

> "Current methodologies for assessment of the effects of policies and measures on greenhouse gas emissions are policy specific with no standard guidance available…In cases where quantification of the climate change effect is impractical, an assessment of whether the policy is likely to increase or decrease emissions, combined with a qualitative assessment of the significance of this change, should be included in the appraisal."

If those pieces of advice were translated to meet the criteria for the crystal mark for clear English, they would say, "This is all very difficult to measure. Where possible, please provide an indication of whether pollution will increase or decrease and by how much. Where you don't know, please make an educated guess."

I agree that the process of evaluating natural capital is tremendously difficult, but what is startling in the exhortations that I have read out is that, aside from recognising the difficulty of the exercise, they provide virtually no guidance to civil servants or Executive agencies about what they should proactively do to arrive at a valuation that could be fed into a cost-benefit analysis.

These issues are relevant not just to domestic policy and domestic decision making. My hon. Friend the Minister has supported the millennium development goals, so I am confident that she understands only too well the fact that the problem of valuing natural capital has a profound effect on the lives of the world's poorest people and goes to the heart of questions of international justice and poverty alleviation. If we are to meet the millennium development goal of taking half the world's poor out of poverty by 2015, we must enable them to preserve the value of their natural capital, which represents more than 50 per cent. of the gross domestic product of the world's poor. The Minister will acknowledge that developing countries that have taken proper account of their natural capital, such as Botswana, have been markedly more successful economically than countries that have not done so, such as the Democratic Republic of the Congo.

One way to refine our methods of evaluation is to work on specific examples where natural capital is under threat. One such example is tropical coral reefs. Six months ago, the Royal Society set out the following scientific analysis:

> "Coral reefs are the most biologically diverse habitats of the oceans and provide essential ecosystem goods and services to hundreds of millions of people.
>
> Temperature-induced mass coral bleaching causing widespread mortality on the Great Barrier Reef and many other reefs of the world started when atmospheric CO_2 exceeded 320ppm"—

parts per million. It continues:

> "At today's level of approximately 387ppm CO_2, reefs are *seriously declining and time-lagged effects will* result in their continued demise with parallel impacts on other marine and coastal ecosystems.
>
> Proposals to limit CO_2 levels to 450ppm will not prevent the catastrophic loss of coral reefs from the combined effects of global warming and ocean acidification.
>
> To ensure the long-term viability of coral reefs the atmospheric CO_2 level must be reduced significantly below 350ppm.
>
> In addition to major reductions in CO_2 emissions, achieving this safe level will require the active removal of CO_2 from the atmosphere.
>
> Given the above, ecosystem-based management of other direct human induced stresses on coral reefs, such as overfishing, destructive fishing, coastal pollution and sedimentation, will be essential for the survival of coral reefs on which so many people depend."

That is a quotation from the Royal Society meeting of 6 July 2009.

Only last month, in Copenhagen, the world spectacularly failed to agree a pathway to reduce emission levels to 450 ppm by 2050. The current saturation level stands at 370 ppm. Coral is doubly vulnerable to climate change because it cannot survive where CO_2 concentrations make the pH balance of the sea water too acidic and it dies if the water becomes too warm.

Tropical coral reefs are often referred to as the rain forests of the seas, because although they cover less than 2 per cent. of the planet's surface, they form the most biodiversity-rich ecosystem in the world, providing a home for more than one quarter of all the planet's fish species. They are therefore of tremendous economic importance, and more than 500 million people depend on them for their livelihoods. Estimates of the overall human welfare benefits from those ecosystems are significant. One estimate puts them at $172 billion annually. Those benefits arise not just from commercial and artisan fishing, but from shoreline protection, where the reefs help to prevent coastal erosion, as well as those from tourism and other recreational uses.

I ask my hon. Friend specifically to task her officials to use tropical coral reefs as an appropriate study to refine their methods of ecosystem valuation. We have a superb opportunity to do that in relation to the current Foreign Office consultation on the future of the British Indian Ocean Territory. The Chagos archipelago in the Indian ocean comprises 55 tiny islands set in 250,000 square miles of what are some of the world's cleanest seas. It is one of the largest and healthiest coral atolls on the planet. The Foreign Office is consulting on whether that pristine coral reef should be established as a full, no-take marine protection area for the whole of the territorial waters. It is officially an environmental preservation and protection zone, and a fisheries conservation and management zone, and evidence suggests that if that action were to be taken, the British Indian Ocean Territory might be one of the coral reefs to hold out the longest against climate change, and could act as a potential seed bank for the reintroduction of coral to areas where the indigenous tropical reefs had been

[Barry Gardiner]

degraded and bleached. That could enable coral reefs to be re-established, once anthropogenic greenhouse gas emissions were brought down to more manageable levels.

There is one additional unique benefit that such a study of coral reefs may bring in improving our understanding of the valuation of natural capital. It relates to the fact that the degradation of the ecosystem is approaching a threshold of irreversibility. The Economics of Ecosystems and Biodiversity climate issues update report of September pointed out:

> "Monetary analysis may be misleading if we do not know how close a system is to a threshold. Care needs to be taken not simply to extrapolate using an underlying assumption of continued incremental losses in the ecosystem function. To illustrate with an extreme example, if the marginal quantum of benefits being valued happens to be the last available of its kind, then scarcity and ethics would set a completely different 'price' on that last quantum. What we face with coral reefs is not a 'marginal' problem, and the economics needs to reflect this. The reported science suggests that anthropogenic emissions have brought the coral reef ecosystem to the brink of potential irreversible collapse. Thus we may have encountered our first major global ecosystem 'threshold'. As pointed out…we need to move beyond marginal cost-benefit analysis and consider other dimensions of value: the ethical and social as well as the economic. We need to assess survival risks for this entire biome and its implications for ocean and coastal productivity and for human welfare."

There have been only five great extinction events in the history of all life on Earth. None have taken place within the span of the human species. Scientists believe that each began with the collapse of a global ecosystem. If coral reefs were to collapse, that could presage an extinction event such as humanity has never before witnessed. The loss of fish stocks would almost certainly result in a global food crisis, but of potentially far more serious consequence is the fact that it would almost certainly change the very nature of the oceans and their interaction with the rest of life on our planet. The French philosopher Blaise Pascal was famous for his wager in which a lifetime of religious observance was staked against an eternity of damnation. Modern accounting for natural capital must similarly be able to reflect in its assessment of risk and probability the fact that action to prevent the loss of global ecosystems might be costly in economic terms but that when the alternative is global catastrophe, the odds must be adjusted accordingly. Our planet is a delicately balanced system. The continuation of human life and culture—the language of Shakespeare and the music of Bach—depends on the actions of our generation in the next 10 years.

I ask my hon. Friend to accept that national economic accounts need to be complemented by natural capital accounts, and that there is a need for the existence and value of ecosystem services to be better reflected in national accounting processes and policy makers' decision making. Biodiversity and ecosystems are poorly recorded in the national economic accounts. Often they feature as an economic resource only in relation to their private benefit. Ecosystem services supporting production are considered as mere externalities. All the free amenities and regulating services supplied by well functioning ecosystems are simply not recorded. Depreciation of the natural capital is not reflected in the price of goods. I ask my hon. Friend to agree that natural capital accounts should be used to help policy makers to understand the natural resource stock available—land, water, soil, biodiversity and biomass—and better to calculate the changes to it and the delivery of ecosystem services that result from it.

As part of the efforts to integrate the environment into national accounts, some countries have been developing air accounts, water accounts, land accounts, soil accounts, emissions accounts, waste accounts, and so on. Forest accounts figure in almost all resource accounting exercises, including, I am happy to say, those of the UK. Some countries have also measured the carbon sequestration services provided by forests. However, whereas the measurement of carbon sequestration by forests seems to be well established and accurate, on the whole, the measurement of carbon sequestration by soil, water and other biota, and the stock of carbon, is much less well developed. That needs to be standardised. The linkages across the wider set of ecosystems services are also still very weak. More needs to be done to integrate different natural capital accounts to cover the full spectrum of ecosystem services.

I ask my hon. Friend to give her political commitment to take those tools to a more formal level, with full development and integration alongside national accounts. She will be aware that, at the international level, the London Group on Environmental Accounting is in the process of preparing a handbook on integrated environmental and economic accounting, the draft version of which was approved by the United Nations Statistical Commission in 2003. Eventually there needs to be a statistical standard covering all aspects of environmental accounting, and that is expected to be approved by the commission in 2012.

Without good natural capital accounts, the importance of natural resources to economies will continue to be under-appreciated, and sub-optimal use will continue to be made of those assets—economically, environmentally and socially. As assets underperform, natural capital is being run down, and future benefit streams decrease as the asset base is eroded and product prices fail to reflect their full costs. That results in an environmental debt to future generations and/or to the exporters of commodities that are extracted from degrading ecosystems, often in poor developing countries. For low-income groups, which rely more than others on the ecosystem services supplied by natural capital in the environment, the image given by the current system of gross domestic product, national income and household consumption aggregates is seriously misleading.

Valuable commodities are too often extracted from ecosystems at the expense of those free services and ancillary products, and no heed is paid to depreciation of natural capital and the resulting decline in future services. That means that, in terms of total welfare, the poorest in our world can get poorer, even though their monetary income might increase in real terms. That comes about because of the degradation of the natural capital that provides the biggest part of the goods they need for survival—food, fibre, water, and so on. By measuring those costs that are not covered by market prices, it must be possible to measure the "GDP of the poor" and how far it declines in proportion to the share of conventional GDP growth, based on ecosystem degradation.

This year, 2010, is the international year of biodiversity. In Nagoya this year, the parties to the United Nations convention on biological diversity will meet. It is often seen as a poor relation to the United Nations framework convention on climate change, the parties to which have just met in Copenhagen. It is my belief that the CBD is every bit as important as its more glamorous sibling.

A change in climate on its own would not matter were it not for the fact that species and ecosystems will not be able to keep pace with the rate of climate change. It is the inability of species to adapt and maintain biodiversity that will cause the ecosystem services upon which human life depends to break down.

My final request is that my hon. Friend tasks Treasury officials with preparing the UK's submissions to the Nagoya conference. The environment is too important to be left to the politically weak environment Ministries of the world. The valuation of natural capital and the economic importance of ecosystem services will be essential elements of public policy accounting in the 21st century. Indeed, it is my belief that if Treasuries do not quickly incorporate those issues into the heart of Government accounting practices, the 21st century might well be our last.

12.50 pm

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): May I take this opportunity, Mr. Atkinson, to wish you a happy new year? It is a pleasure to serve under your chairmanship.

I congratulate my hon. Friend the Member for Brent, North (Barry Gardiner) on securing a debate on the important topic of Treasury accounting in relation to natural capital. When he applied for it, I doubt whether he envisaged us debating the subject on a day on which, if the forecasters are to be believed, Britain will probably be feeling the effects of extreme weather. Of course, the inconvenience of unaccustomed snow in this country is nothing compared to what may happen in developing and poor countries if we cannot stem the tide of climate change. Part of that process will involve a proper understanding of economics in relation to natural capital and an improvement in our evidence base in relation to policy making.

Many of the services provided by the natural environment are not traded, so they have no market value, but their value to society can be substantial. For example, the annual benefits provided by the world's coral reefs alone, through the provision of food, raw materials, recreational opportunities and protection against extreme events, have been estimated at $172 billion. Those services are threatened by a changed climate. The Government are fostering international and domestic efforts to promote an understanding of the economic benefits delivered by the environment and to improve the evidence used in policy making to ensure that we live within our environmental limits.

The Government's strategy to help deliver a better quality of life through sustainable development was first set out in 1999, and reviewed in 2005 in "Securing the Future". That strategy set out the principles that we must all follow in our duty of care towards the environment and the need for the Government to lead by example, to ensure the well-being of ourselves and of future generations.

The development of policies and the selection of options for their implementation by the Government are governed by the guidance provided in the Treasury's Green Book. It provides guidance on how the total costs and benefits to society of any proposed interventions should be assessed. It recommends social cost-benefit analysis as the main tool of assessment, which quantifies in monetary terms as many of those costs and benefits as feasible. It stresses that it includes any environmental impacts, which are often difficult and controversial to value in monetary terms.

Much valuation research is ongoing, however, to improve how such environmental impacts are accounted for. For example, updated guidance on the value of greenhouse gas emissions will be published shortly, with the intention of reviewing those values every two years as our knowledge of their impact and cost develops. Guidance already exists on adapting long-term policies to the expected impacts of climate change, and on how to value changes in biodiversity and in air quality.

Invaluable though it is for aiding the inclusion of natural capital impacts in the appraisal of policy, it is recognised that social cost-benefit analysis cannot, on its own, fully inform decision making if significant changes are involved. The Department for Environment, Food and Rural Affairs is therefore leading a group of economists and experts on sustainable development from across government, which will draw on leading academics in these fields, in a review of the economics of sustainable development. The group was set up in autumn 2008 to investigate whether current approaches were sufficient to ensure that sustainability was taken into account in the design of policy changes, or whether revised or additional supplementary Green Book guidance was required.

The group published an interim report in October 2009, in which it concluded

> "Social Cost Benefit Analysis…when done properly, goes a very long way towards ensuring the sustainability of policy is reflected in decision making."

It went on to say that substantial work remains to be done to provide policy makers with a more complete toolkit, and noted that there are still many environmental assets for which we do not yet have agreed recommended values.

The group's report also noted that more consideration needs to be given to the appraisal of policies that have large or so-called non-marginal impacts. Relevant in that respect are policies that impact on certain critical assets—assets that, if allowed to decline below certain levels, could change the long-term growth path of the economy and its potential for wealth creation. For other assets—for example, clean air—there will again be limits to the acceptable degree of pollution. A key limitation of cost-benefit analysis in that regard is that it treats all forms of capital as if they were completely substitutable for one another.

There is therefore a need to limit the use of natural assets to supplement cost-benefit analysis assessments in many areas. Some limitations already exist—for example, the land use planning regulations in the UK. The use of minimum standards in certain contexts is being investigated for air quality issues—for instance, when uncertainty is particularly prevalent and it might pay to invoke the precautionary principle. An asset check study is also being considered; it would give greater clarity on the assets that should be sustained, the levels below which they should not be allowed to fall and the actions that would be necessary if those levels were breached.

[Sarah McCarthy-Fry]

The Government are fostering further work to promote the understanding of natural capital issues and improve the evidence used in policy making. We are funding the work of the UK climate impacts programme, which helps organisations to assess the effects of climate change on construction, working practices, service delivery and health in their localities. It is funding a £1 million national ecosystem assessment, which will report in 2011 and be the first comprehensive analysis of the UK's natural environment and the benefits that it provides to society and economic prosperity. It is also supporting the economics of ecosystems and biodiversity study—a major international initiative that aims to draw attention to the global economic benefits of biodiversity, that highlights the growing biodiversity loss and ecosystem degradation, and draws expertise together to enable practical action.

So far, I have focused on taking account of natural capital in policy making. Including elements of natural capital in the public accounts is a relatively recent concept; it is being discussed as part of the wider debate but is not yet the subject of fully worked-out and agreed accounting standards and practices.

The Government are keen that the UK should remain at the forefront in developing best practice in relation to public accounting. We therefore propose the introduction of a system of regular sustainability reporting, including related expenditure, by all Departments in their annual reports and accounts. That will begin in 2011-12. As a minimum, Departments will be required to report annually their performance against their sustainability targets for greenhouse gas emissions, waste minimisation and management, and their use of finite resources.

A great deal of work has already been done and continues to be undertaken to improve the framework for policy making in relation to the natural environment, climate change and sustainability. Valuation research has already been published in relation to a large number of assets, and further research is ongoing.

Barry Gardiner: I realise that I did not leave my hon. Friend a full quarter of an hour to answer the debate, but will she respond specifically to some of my questions? I asked specifically whether her officials will be engaged in working towards the Nagoya conference later this year.

Sarah McCarthy-Fry: I have taken on board all my hon. Friend's questions, and I assure him that all those points will be considered. I shall take them to Treasury officials, so that we can consider them. In principle, of course, we want to improve our accounting systems to take account of natural capital, and we want to improve our evidence base for policy making.

As I said, it has been concluded that the current policy framework goes a long way towards ensuring that sustainability concerns are reflected in decision making. The interdepartmental group on sustainability is due to report again in the spring, with more specific recommendations on the potential improvement areas already identified.

Non-Domicile Tax Status

1 pm

Norman Baker (Lewes) (LD): I am pleased to have the opportunity to raise the topical issue of non-doms, which is important in terms of both income to the Government and an ethical approach to politics. I do not pretend that it is a new issue; in November 1995, a Labour party policy paper said that

> "the taxation of…non-domiciles…should be overhauled in line with the recommendations of the Inland Revenue."

In one of its publications, the Inland Revenue said that one defect of the remittance basis of non-dom status was

> "that it is easy for the well advised to arrange to bring back money from overseas to meet their expenditure in the United Kingdom without it being regarded under the present law as a 'remittance'."

One might have hoped that a progressive Government would have dealt with that inequity early on in their term of office. Instead, we had to wait, after applying constant pressure, until 2002 for the announcement of a review. When it finally came forward, we hoped that the changes to the arrangements would lead to far-reaching consequences. In the 2002 Economic and Fiscal Strategy Report, the Government said:

> "The Government is reviewing the residence and domicile rules as they affect the tax liabilities of individuals. The Government believes that modernisation of these rules needs to be based on clear principles: the rules should be fair, clear, easy to operate, and support the competitiveness of the British economy."

That was provisionally adopted in 2002. I will come back to the word "fair" as I move on. In 2003, the publication of the discussion document ensued, and there was a long gap in which nothing much appeared to happen despite the fact that a number of Members of Parliament from both my party and the Labour party were asking questions about why so little progress had been made.

In April 2007, we ended up with some progress, but it was not sufficient. I raised the matter myself in an oral question to one of the Chancellor's colleagues on 12 July 2007. I asked somewhat cynically whether the inordinate amount of time that the review was taking was in any way connected with the large sums of money given to the Labour party by those who qualify for non-domiciled status. Heaven forbid that that should be the case, and it was disgraceful of me to suggest it. Nevertheless, there was not much of a denial from the Financial Secretary. What is extraordinary is that despite the length of the review—over all these years—the Government seem to have amassed very little information on which to base their forward projections. For example, the question I asked the Paymaster General, the right hon. Member for Bristol, South (Dawn Primarolo), on 23 April 2007 elicited this response:

> "HM Revenue and Customs does not ask for information on whether individuals are registered to vote in the UK on *(a)* tax self-assessment forms, *(b)* form DOM1 or *(c)* other tax forms."—[*Official Report*, 23 April 2007; Vol. 459, c. 993W.]

I would have thought that knowing whether someone is registered to vote in this country is quite a good indication of whether they are domiciled in this country. I was not alone in asking those questions. The hon. Member for Birmingham, Selly Oak (Lynne Jones) asked in 2007 about the effect on the economy of non-domiciled residents' tax status. One might have thought that after four years of review, that, would have been clarified. The Minister at the time, the right hon. Member for Normanton (Ed Balls), said:

> "No overall figure for the number of individuals with non-domicile tax status is available. Estimates of the tax foregone in the UK as a consequence of the use of the remittance basis by those not domiciled in the UK are not routinely made.... No estimates have been made of the economic benefits to the UK from the retention of the domicile laws on taxation."—[*Official Report*, 30 April 2007; Vol. 459, c. 1302.]

In 2002, we were told that one of the purposes of the review was to support the competitiveness of the British economy. Yet, four years on, no assessment has been made of what that was. It seems a rather curious review that does not seem to go far in its depth.

In 2008, we had an announcement that represented the worst of all possible worlds. It did nothing to deal with the rich oligarchs of whom the Government appear to be so enamoured these days, yet it introduced a £30,000 poll tax for non-domicile qualifiers, which hits people such as university lecturers temporarily resident in my constituency and elsewhere. In other words, it clobbers the small fry and lets the big fish off the hook. That cannot be regarded as fair or sensible. After four or five years waiting for this review—or 14 years since the Labour party first proposed it in 1994—I have to say to the Minister that, coming from Lewes with a huge tradition of fireworks, I know a damp squib when I see one, and that was a damp squib par excellence. Even worse, in his Budget speech on 12 March 2008, the Chancellor said:

> "There will be no further changes to this regime for the rest of this Parliament or the next."—[*Official Report*, 12 March 2008; Vol. 473, c. 299.]

We now have the Chancellor apparently tying the hands of the next Government—whoever that may be—the next Parliament and future Chancellors over how they deal with the matter. That seems to be unconstitutional as much as anything else.

Non-domicile tax status is an important matter for the Treasury, because it is to do with income, fairness and equity in the taxation system. Why should my hard-working constituents in Lewes, Newhaven, Seaford, Polegate and elsewhere, who do an honest day's work and pay their taxes in full, have to put up with a regime that sees freeloading millionaires swan around avoiding tax apparently with the help of Her Majesty's Revenue and Customs and the Treasury? For the Chancellor's party, I have to say that such an unfortunate position seems to be a long way from Keir Hardie, Clement Attlee and even Harold Wilson.

Further consideration must be given to this matter, and not simply for reasons of income, fairness and equity but because of the integrity of the political process—something that has been the focus of many of our minds for some time, not least because of the MPs' expenses issue. There is a general consensus, in words at least, that Parliament needs to clean up its act. We cannot have clean politics in this country until we set and apply a very clear principle, which is that no Member of Parliament, whether in the Commons or the Lords, should be sitting here if they declare themselves to be non-domiciled for tax purposes. That is a very clear position that we should adopt. It is perhaps the reverse of Reverend Jonathan Mayhew who said in 1750, "No taxation without representation." I [illegible] that we should have no representation without taxation.

A party that fails to tackle its own internal non-domicile issues can barely hope to be taken seriously if it then pretends to argue for a clean-up of politics, which the Minister will be pleased to know leads me on to the Conservative party and its problems with its own members. I have to refer to Lord Ashcroft, who bails out the Conservative party to a very large degree. He took a seat in the Lords in October 2000. At the time, it was reported that the then leader of the Conservative party, the right hon. Member for Richmond, Yorks (Mr. Hague), had insisted that Lord Ashcroft end his tax exile before taking up his seat. That assurance was apparently given. It was a most interesting condition. The Honours Scrutiny Committee attached the condition to his peerage that

> "to meet the requirements for a working peer, Mr. Michael Ashcroft has given his clear and unequivocal assurance that he will take up personal residence in the United Kingdom again before the end of the calendar year."

In other words, that should have happened before the end of 2000. More than nine years later, we are still no clearer in definitive terms about whether he has taken up that tax status. What we have had from Conservative spokesmen is a series of evasions punctuated by embarrassed silences when they are asked about those matters on radio and television programmes.

Back in 2001, I wrote to the right hon. Member for Richmond, Yorks, who was then the leader of the Conservative party and who is now the shadow Foreign Secretary, about these matters and I asked him 10 questions about Lord Ashcroft. Let me just list a few of those questions:

> "Is Lord Ashcroft non-resident in the UK for tax purposes?
>
> Is Lord Ashcroft non-domiciled in the UK for tax purposes?...
>
> Has Lord Ashcroft or his agents notified the Inland Revenue of any change, or impending change in his tax status?...
>
> Is Lord Ashcroft registered as a UK voter or an overseas voter? He is apparently still listed on the voters' register in Maidenhead as an overseas voter. Why is that the case when he was said in 1999 to be returning to Britain?"

I would suggest that those questions and other questions that I put were quite germane. The reply that I received was not from the then leader of the Conservative party, but from the hon. Member for Maldon and East Chelmsford (Mr. Whittingdale), his Parliamentary Private Secretary at the time, who said in a very short reply that

> "regarding Lord Ashcroft's financial affairs, these are matters for him and I have sent him a copy of your letter".

No answer came forth from the Conservative party to those germane questions. However, I did receive a letter—

Mr. Peter Atkinson (in the Chair): Order. I am sorry to interrupt the hon. Gentleman, but he should be slightly careful in that the debate is on Government policy on the tax status of non-domiciles and not on the official Opposition's policy on the tax status of non-domiciles. I would be grateful if he reflected that in his remarks.

Norman Baker: Yes. I was hoping to make the case that the Government need to change their policy and that was my intention in what I said. I am sorry that that was not clear in my remarks. However, I am giving a couple of examples to show why it is necessary for the

[Norman Baker]

Government to change the position that they have adopted, which is inadequate for the challenge that we face in cleaning up politics in the House across all parties. That is the case that I am making.

I was about to say that the only other response that I received to my letter to the right hon. Member for Richmond, Yorks was from Lord Ashcroft's solicitors, who were basically not particularly pleasant towards me.

I referred to some of the quotes that we have heard on TV and radio, but it is important that all three main parties in the House commit themselves fully to an open regime. If we do not do that collectively, we will not be able to clean up politics in a way that is very important and that we can all hopefully agree on. The reality is that a position of "Ashcroft's taxes nothing to do with me, says Cameron", which was a headline in *The Independent*, is not a sufficient response from the leader of the main Opposition party in the House.

I conclude on this matter by noting that my colleague in the Lords, Lord Oakeshott, wrote to Lord Ashcroft in December 2009, asking him very bluntly whether he was a non-dom, to which no response has been forthcoming.

There have been suggestions from the official Opposition that they have plans to change the taxation regime that relate to those people who do not pay full UK tax. Of course, those suggestions do not deal with non-doms in the same way.

I also want to refer to potential parliamentary candidates. It seems to me that, if we are to clean up this place, it is important that the Government should not simply review their policy with regard to the declarations by Members of Parliament and Members of the House of Lords, although those declarations are important in terms of non-domicile status, but should consider whether it is necessary to review their policy on non-domicile status in so far as it reflects declarations by parliamentary candidates. We now have a more open regime in the House for Members of Parliament to declare what they earn and we are moving in the right direction on that issue, but no such restrictions or requirements apply to parliamentary candidates. It seems to me that when voters go to the polling booths, whenever that may be this year, they are entitled to decide, particularly in the present circumstances with all the expenses problems, whether they approve of the ethical, financial and moral positions adopted by their parliamentary candidates in so far as they relate to their public duties. However, that is clearly not the case at present.

As another example in regard to parliamentary candidates, I give Zac Goldsmith, who has said:

> "My non-domicile status is a reflection of my father's international status".

Of course, as the Minister will confirm, that is simply not the legal position, because non-domicile status is a matter of choice after someone is 16 and not a matter of fact. One must conclude that the attempt to avoid paying proper taxes in this country by Mr. Goldsmith, as appears to be the case, is one that undermines both the House and politics generally. I also reflect on the fact that he has spent £250,000 or more in the Richmond Park constituency trying to buy the seat—money that should have been paid to the Exchequer in proper taxation. It is one thing to bribe the electorate; it is another for the electorate to be bribed with their own money, which appears to be what is happening in that constituency.

I hope that I have made the case that the position regarding non-dom status is not satisfactory in this country; that the review that the Government conducted and concluded in 2008 has, in fact, been inadequate; that the Government have not dealt with the big fish, who continue to escape proper taxation while hard-working families pay it; and that the Government have, in fact, only clobbered small fry with a £30,000 poll tax—people who should not be clobbered in that way when a better and much more equitable solution would be to have no tax and then full tax applied after seven years. I have also given an indication of how the current arrangements undermine the integrity of Parliament and the integrity of what we are trying to achieve in this place by tidying up politics.

Therefore, I hope that the Government will first commit to review the non-dom rules and, secondly, that they will undertake before the election to take urgent action in line with the Bill that my colleague Lord Oakeshott introduced in the House of Lords to ensure that no Member can sit in either the Commons or the Lords unless they have given a clear indication that they are paying taxation in full in this country and are domiciled here. If the Government are not prepared to do that, they must explain why.

1.15 pm

The Financial Secretary to the Treasury (Mr. Stephen Timms): Let me begin by congratulating the hon. Member for Lewes (Norman Baker) on securing the debate. I welcome the opportunity to set out the Government's policy on the taxation of non-domiciles. I recognise the strength of feeling that he and others have expressed and I want to respond to that strength of feeling in my remarks today.

Of course, there has been a good deal of debate about this issue recently, prompted in particular by the case that the hon. Gentleman mentioned at the conclusion of his remarks: the media and political interest in the tax status of the Conservative parliamentary candidate for Richmond Park, Zac Goldsmith, who is of course standing against the hon. Gentleman's colleague, the hon. Member for Richmond Park (Susan Kramer). What that issue has highlighted, again, is the fact that there might well be Members of Parliament—current Members or indeed prospective Members—who do not pay UK tax in full on all their income. However, before addressing that issue, I will follow the hon. Gentleman's lead by first outlining the Government's policy on the taxation of non-domiciles more generally, because that policy rightly provides the context for this debate.

Domicile is a common-law concept that connects a person with a system of law. It is not a tax-law concept—tax law simply uses domicile status to determine certain tax issues—so the question whether a person is domiciled in the UK is to be decided primarily by reference to principles of common law. Domicile potentially depends on a wide range of factors, and it is a concept that is quite hard to define. It is often said to equate to an individual's "permanent home". It is sometimes suggested that it is the place that someone expects to be buried, although that is only a rather approximate definition. Normally, a person takes his or her domicile at birth from their father, but once that person reaches adulthood they can change their domicile and make a domicile of choice in a different country, if that is their wish.

People who are resident in the UK but who are not domiciled or ordinarily resident are eligible to claim the remittance basis of taxation for income tax and for capital gains tax. That means that they are taxable on their foreign income and gains only if they are brought—if they are remitted—into the UK. Any UK-source income, however, is fully taxable in the UK. I would be interested to know a little more about the issue that the hon. Gentleman raised about university lecturers in his constituency, because the only impact of those arrangements, of course, would be on people who were receiving income from outside the UK above a de minimis level, in addition to what I presume would be his constituents' university incomes in the cases to which he referred. However, I would be perfectly happy to have a look at the details of those cases, if he wanted me to do so.

The alternative to the remittance basis is the arising basis, under which a UK resident pays UK income tax and capital gains tax on all his or her worldwide income and gains wherever they arise, subject to any relief due under double taxation agreements. The hon. Gentleman's constituents could certainly take advantage of that basis if they chose, in which case they would be taxed in exactly the same way as people resident and domiciled in the UK. That is the basis on which the vast majority of the UK population is taxed.

The remittance basis has existed for a long time. The hon. Gentleman said that it sat ill with the party of Clement Attlee and Harold Wilson, but the remittance basis in fact goes back long before their premierships to the 1800s, and both those extremely distinguished former leaders of my party saw fit to leave it in place. Businesses see it as playing an important role in ensuring that the UK attracts skilled people from abroad to work, do business and invest. We would place ourselves at a significant competitive disadvantage if we simply scrapped the remittance basis at a time when countries with low tax regimes are competing to attract talent and investment—that would be an own goal. I do not think that that was what the hon. Gentleman was calling for, but as he mentioned competitiveness, it is important to explain why the arrangements exist.

We considered that the tax rules for non-domiciles needed to be reformed to make them fairer and more sustainable, which was why we implemented a major package of reforms to the remittance basis in the Finance Act 2008. The hon. Gentleman criticised us for taking time over the reforms, but they are complicated and it was important to take the time to get them right. In particular, as he said, we introduced a £30,000 annual tax charge for those non-domiciles choosing to use the remittance basis who have lived in the UK for more than seven years. We also abolished personal allowances for income tax and the annual exempt amount for capital gains tax for those claiming the remittance basis, closed a number of loopholes allowing non-domiciles unfairly to remit offshore income and gains to the UK without paying tax on them—that is the loophole to which he referred early in his speech—and tightened the day counting rules to make it more difficult for people to become non-resident and avoid UK tax, as some were unfairly doing.

The reforms were designed to strike the right balance between promoting fairness and maintaining UK competitiveness. People choosing to make their home in the UK for the longer term now make a greater contribution through the tax system. At the same time, the remittance basis continues to play a valuable role in supporting competitiveness, which is particularly important, as I have said, in the current economic climate and as the economy moves back towards growth. Of course, it should not be forgotten that non-domiciles still contribute a significant amount of tax—it is estimated at £4 billion a year—to the Exchequer. The hon. Gentleman complained about the lack of data. The nature of the subject means that sometimes there are not as many data as one might like, but I can give him information about the total amount of tax that we estimate is contributed currently.

The reforms have achieved their objective. We estimate that, as a result, the Exchequer will gain an additional £700 million this year and about £500 million next year and thereafter. My right hon. Friend the Chancellor made it clear during the 2008 Budget that we would not make further substantive changes to the remittance basis during this Parliament or the next. The hon. Gentleman asked me to renounce that commitment, but I will not do so. We stand by that commitment, because we take the view that it is the right thing to do—that is something that I have in common with Clement Attlee and Harold Wilson.

Since 2008, we have worked with external stakeholders to ensure that the new rules deliver what we promised. As a result, we made further minor changes in the Finance Act 2009 to address concerns, particularly those raised by people on low incomes. That work has been widely praised and has helped to ensure that we deliver sustainable and fair changes.

I agree with the hon. Gentleman's view that some people with a privileged position in the democratic process should pay UK tax in full on all their global income, gains and assets, wherever they arise. This is how the vast majority of the UK population is taxed, so it seems right to me, as it does to him, that MPs and Members of the House of Lords should be taxed on that basis and should not have access to the remittance basis. The hon. Gentleman asked some perfectly reasonable questions about Lord Ashcroft, and I would be as intrigued as to whether he knows the answers. The hon. Gentleman will, of course, recognise that it is not for me to answer them, although I am disturbed to hear that he received a threatening letter from the noble Lord's solicitors.

The Government have consistently promoted the principle that that Members of Parliament should be full UK taxpayers. For example, the 2008 White Paper on House of Lords reform proposed that Members of the reformed second Chamber should be resident in the UK for tax purposes. We are now finalising draft legislation setting out the framework for a reformed second Chamber. We supported the intention behind the private Members' Bills introduced by my hon. Friend the Member for Pendle (Mr. Prentice) in this place and by Lord Oakeshott of Seagrove Bay in the other place, both of which sought to restrict membership of Parliament to those paying full UK taxes.

People other than parliamentarians can, of course, participate to a significant degree in the democratic process, and we have stated our view that the relationship

[Mr. Stephen Timms]

between tax status and democratic participation deserves wider consideration. In view of strong support in both Houses, we took action and legislated in the Political Parties and Elections Act 2009 to provide that anyone wishing to donate or loan more than £7,500 to a political party in a calendar year would be required to confirm that they were resident, ordinarily resident and domiciled in the UK for tax purposes at the time at which the donation was made. Without such a declaration, the donation or loan will not be regarded as permissible. The provisions will ensure that anyone wishing to donate or loan a significant amount to a political party or other regulated entity must pay UK tax in full. I think that the hon. Gentleman will welcome that legislation.

Returning to the hon. Gentleman's specific question about MPs and Members of the House of Lords, I assure him that we are committed to introducing legislation in this Parliament to ensure that Members of Parliament are taxed in the same way as the vast majority of UK taxpayers. My right hon. and learned Friend the Leader of the House made that clear at Prime Minister's questions on 16 December when she made the point that, as the hon. Gentleman put it, there should be no representation without taxation. She said:

> "We will introduce legislation to ensure that people are domiciled, resident and ordinarily resident in order to sit in this House or in the House of Lords." [*Official Report*, 16 December 2009; Vol. 502, c. 960.]

Norman Baker: Briefly, what are the Minister's intentions regarding parliamentary candidates, and voters' rights to understand the taxation status of candidates as well as sitting MPs?

Mr. Timms: We are considering how to bring about the change that I described. It is helpful that there is now clear, albeit rather belated, cross-party support for action, following the Conservative's change of position to supporting the principle that MPs and Members of the House of Lords should be required to pay tax in full on their overseas income, gains and assets. We are considering in detail how to do so and what the right legislative vehicle is. After we resolve those issues, the answer to the hon. Gentleman's question will be clear.

Two amendments to the Constitutional Reform and Governance Bill were tabled in December with the aim of achieving our objective. We support and sympathise with the principle behind the amendments, but the drafting needed some attention—for example, to cover inheritance tax as well as income tax and capital gains tax, which are dealt with by the remittance basis. We will introduce measures during this Parliament to ensure that parliamentarians cannot avoid UK tax on offshore income, gains and assets. I hope that the hon. Gentleman will welcome that commitment. The detail will become clear as soon as the amendments are brought forward.

I welcome this debate. It is an important contribution to the Government's commitment to fairness in the tax treatment of non-domiciles. I hope that I have made clear the importance of the current non-domicile tax regime for the UK economy but, equally, I underline the fact that we are committed to ensuring that MPs and Members of the House of Lords pay tax on their worldwide income and gains, alongside the vast majority of the UK population.

Mobility Scooters

1.30 pm

Jeff Ennis (Barnsley, East and Mexborough) (Lab): I am grateful for the opportunity to raise the important matter of mobility scooters and pedestrian safety. Let me say from the outset that mobility scooters are great and that they enhance the quality of life of many of my elderly and disabled constituents. Indeed, my mother and mother-in-law, who are both in their 80s, have mobility scooters and benefit greatly from them.

As you know, Mr. Atkinson, my constituency has the highest number of claims in the country from former miners for chronic bronchitis and emphysema. That means that it contains more people who are disabled than the national average, particularly in the former pit villages. However, my main reason for calling this debate was not that, but an e-mail I received from Kerry McNair, who is from Shafton in my constituency:

> "Hello. I was advised to contact you regarding my daughter. She is 23 months old and was recently run down in Doncaster by a mobility scooter. We were in the pedestrian zone when I was struck from behind, then watched in horror as my little girl was knocked to the ground and driven over. The old lady did not stop, she kept going, dragging my baby under her machine. I screamed at her to stop. Eventually some men lifted her off, she refused to dismount, and I grabbed my little girl. The old lady then tried to drive off but someone grabbed her keys. An ambulance was called and took us to hospital. The old lady was spoken to by police but allowed on her way. She did not apologise and has made no effort to be in touch. No charges can be brought against her as there are no laws covering mobility scooters. This is wrong. My daughter has had a patch of her Scalp ripped off, she is covered in cuts and bruises. At night she takes ages to go to sleep as is afraid to close her eyes. I struggle changing her nappy as she now hates being laid down. And she is terribly clingy. I have been diagnosed with post traumatic stress. Why can this lady be allowed to ruin our lives. I close my eyes and picture it all the time. Please help me to fight this. I want to take a stand. I will not allow my daughter to be treated like this by anyone. Justice needs to be done. Can you help. I would be grateful for your advice. Kind regards, Kerry McNair".

That sums up in a nutshell the trauma that people experience when small children are knocked down by mobility scooters.

Mrs. McNair is right that there are no suitable laws covering mobility scooters. The death of a 90-year-old lady called Lillian Macey last September led to no action by the police. Since raising this issue, I have received many e-mails in support of Mrs. McNair's point from across the nation. I recently received a short e-mail from a constituent of my neighbouring MP, my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham). Jane Kaye from Barugh Green wrote:

> "I have been reading in the Barnsley Chronicle about your concerns regarding mobility scooters. I'm pleased you are looking into this as we (myself and my husband) have witnessed some near misses and scooters being driven at a worrying speed round streets in town where young children are walking."

For the rest of my speech I will investigate possible solutions, which the Minister can consider, to make mobility scooters as safe as possible for their users and other members of the public. I would like him to consider an e-mail from Mr. Michael Rushton from Wombwell in my constituency:

> "Dear Jeff Ennis,
>
> I'm glad to hear at last on the local radio station someone's taking up the problem of Motability Scooters. My son was nearly crushed against a wall a couple of years ago. Let me tell you the motability scooters weigh quite a bit. There are 2 or 3 questions that come to mind.

> 1. Why are motability scooter owners not made to take a test, such as a proficiency test that the suppliers could enforce?
>
> 2. Why are scooter owners seemingly exempt from prosecution for dangerous driving? For example, driving straight down the white line or going straight across at junctions while traffic is turning in to it, which I have witnessed dozens of times at Main Street in Wombwell.
>
> 3. Why are the owners also not penalised for carrying passengers?
>
> 4. Why are motability owners not breathalysed when they have been drinking in pubs and clubs? Surely this is drink driving. If riding a bicycle, they would be stopped for drink driving.
>
> I understand the need for the scooters as I have a child with cerebral palsy and can appreciate the need for mobility, but safety for pedestrians and also the mobility scooter user must be paramount. The story on the radio must be repeated up and down the country."

As the Minister knows, there is no requirement for people to undergo training before taking a mobility scooter on to the streets. Many reputable retailers provide rudimentary instruction, but whether they do so is at their discretion. More people are now buying mobility scooters over the internet and second-hand ones through local newspapers, so the first time many mobility scooter users sit on their scooter is the day on which they take it out on to the streets.

The crux of the problem is how we can ensure that mobility scooter users are proficient at riding their machines and are safe for themselves and other road users. I do not believe that the answer is a compulsory test for mobility scooter users like a driving test. That would be using a sledgehammer to crack a nut. However, serious consideration should be given to allowing users the opportunity to take a proficiency test on a voluntary basis, along the lines of the scheme recently trialled by Norfolk police in Great Yarmouth. The impetus for that scheme was generated by the high volume of complaints about accidents caused by mobility scooter users on Great Yarmouth's streets and pavements.

The scheme is run by Penny Carpenter, a crime prevention officer with Norfolk police. In a recent article, she was quoted as saying:

> "Anyone can get a mobility scooter and you don't have to have a licence...There's no test involved. There's no legal requirement to have insurance and anybody can drive one with no training at all."

However, it is recommended that users should have at least third-party cover. The article continued:

> "The courses, there have been two of them so far, aim to fill that gap. Improving users' handling skills and creating an awareness of road safety are all key, as is installing a sense of pavement etiquette.
>
> It takes about 25 minutes to complete, but there is no pass or fail. So far more than 50 people have volunteered to do it. And it is not just for beginners. The majority are people who have been using their scooters for years.
>
> Shiela Adair, 64, is one of them. 'Even though I've used a scooter before the course was ideal to learn about reversing.'"

Norfolk police started the scheme because it believed that the number of accidents involving mobility scooters was on the increase. That cannot be proved nationally because mobility scooters come under the Department's "other motorised vehicles" category, which includes ambulances, fire engines, motor caravans, motorised wheelchairs and quad bikes. Over the last three years, the number of accidents involving all vehicles in that category has increased substantially. For example, there were 1,970 accidents in 2006, 2,971 accidents in 2007 and 3,238 in 2008, which is the last year for which statistics are available. Those figures show a 60-odd per cent. increase over three years in that category. However, we cannot say how many of those accidents are directly attributable to mobility scooters. The Minister should therefore consider creating a separate category for mobility scooters, so that we can build up an evidence base on this important issue and find out one way or the other whether accidents involving mobility scooters are on the increase.

My final point regards a matter I have recently written about to the Chairman of the Transport Committee, my hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman). I asked her whether her Select Committee would consider the issue and I am pleased to say—this is for the Minister's information—that in the coming months she has indeed agreed to carry out a short inquiry into the issue of mobility scooters. I obviously hope that the Minister will give evidence to that inquiry.

In conclusion I shall cover three key points, which I would like the Minister specifically to address in his closing remarks. First, will he consider the merits of introducing a voluntary proficiency test, preferably at no charge to the user? Such a test could be administered in conjunction with reputable retailers and local police authorities working together, as is done in Norfolk and one or two other police authority areas. I certainly intend to write to the chief constable of South Yorkshire to draw the matter to his attention, and to see whether we can establish a course similar to the Norfolk one in South Yorkshire. I hope that the Minister will talk to his counterpart in the Home Office, the Minister for Policing, Crime and Counter-Terrorism, on the matter to establish whether progress on such a course can be made.

The second issue I would like the Minister to address is whether he will consider introducing the new offence of riding a mobility scooter in a dangerous way. That was very much the point that Mrs. McNair made in her revealing e-mail, which I read out at the beginning of my contribution. Finally, will the Minister consider introducing the specific category of "mobility scooter" in relation to the departmental statistics issue that I have already outlined, so that we can definitely say whether this is an increasing problem?

Hugh Bayley (City of York) (Lab) *rose*—

Mr. Peter Atkinson (in the Chair): Order. Before I call the hon. Gentleman, I know that the hon. Member for Barnsley, East and Mexborough (Jeff Ennis) is happy for him to contribute, but may I confirm whether the Minister is happy?

The Minister of State, Department for Transport (Mr. Sadiq Khan) *indicated assent.*

Mr. Peter Atkinson (in the Chair): The Minister is happy. I call Hugh Bayley.

1.43 pm

Hugh Bayley (City of York) (Lab): I congratulate my hon. Friend the Member for Barnsley, East and Mexborough (Jeff Ennis) on securing this important debate. I am grateful to him and the Minister for allowing me a few moments to speak about my constituent, Mrs. Margaret Macalagan, who was hit by a mobility

[Hugh Bayley]

scooter when out shopping in 2008. She suffered serious injuries that meant she was admitted to hospital and her own mobility was badly affected. The driver of the scooter that hit her was untrained and uninsured, and was also elderly, disabled and of limited means. Mrs. Macalagan was therefore unable to gain any compensation for the injuries she sustained.

York Older People's Assembly asked me to take up the issue and I raised it in 2008 with the Department for Work and Pensions and the Department for Transport. I do not want to stop people using mobility scooters—they are a benefit—but I want to create an environment in which they are used safely and to ensure as far as possible that other people are not injured.

I would particularly like the Government to consider making insurance for such scooters compulsory. The DWP funds a number of people to run scooters through the disability living allowance scheme. One scheme under which people obtain scooters that are paid for with their DLA is the Motability powered wheelchair and scooter scheme. Those who get scooters under that scheme are required to insure the scooters, both for injury to third parties and for fire and theft. So when the Government fund scooters, they believe that insurance is not only reasonable but necessary. The same prescription should be applied to others who use scooters.

Like my hon. Friend, I am concerned that statistics on the number of accidents involving those scooters have not been collected. The Department for Transport should change that. In October 2009, I wrote again to the Department for Transport about the problem. The Minister who is present today replied very promptly in November, and told me:

> "We are considering consulting on issues such as compulsory insurance and training".

I am glad that is being considered, but I simply urge the Minister to start consulting on making those changes. Such changes are overdue and the sooner they are made, the better.

1.46 pm

The Minister of State, Department for Transport (Mr. Sadiq Khan): It is a pleasure to respond to a debate with you in the Chair, Mr. Atkinson—I think it is the first time I have done so. I also thank my hon. Friend the Member for Barnsley, East and Mexborough (Jeff Ennis) for raising some important issues about the use of mobility vehicles, for the way he has done so and for proffering some solutions to the problems he has highlighted—that makes one's life a lot easier, when one is in the hot seat.

May I put on the record my sadness and concern to hear about the serious injury suffered by his constituent, Madison McNair, who is two years old, and the impact the injury she suffered has had on her family? I was also sad to hear about the other examples he gave, including the recent fatality.

By way of background, Britain has one of the best road safety records among developed countries. Since 2000, we have reduced the number of deaths and serious injuries by 40 per cent. and we remain committed to do more to make our roads and pavements safer still. All the evidence suggests that the use of mobility vehicles is growing and that trend is likely to continue as our population ages. Indeed, the number of people aged over 80 is likely to increase by 85 per cent. over the next 20 years.

One of the reasons I welcome the comments made by my hon. Friends the Members for City of York (Hugh Bayley) and for Barnsley, East and Mexborough is because of the balance of their remarks. For example, my hon. Friend the Member for Barnsley, East and Mexborough referred to the benefits of mobility scooters both to his direct family and constituents. Unfortunately, some people have physical or social needs that require something more innovative to enable them to get around. In providing for that innovation, it is important for us to balance the rights of people with disabilities with the rights of other people to feel safe. I thank my hon. Friend for his letter to the Chair of the Transport Committee, which I believe will mean that I give evidence. The Committee is considering an important subject and I genuinely thank him for his interest. I also encourage him to give evidence to that inquiry—I am sure he will enjoy doing so and revel in it as much as I will.

My hon. Friend will be pleased to know that similar considerations for innovative transport modes and the opportunities that new technologies offer have meant that, earlier today, we launched parallel consultations on whether we should allow electric personal vehicles such as the Segway on our roads and cycle tracks, and on the requirements for electrically assisted pedal cycles. That is why, considering the increasing numbers of these vehicles, I am considering whether to consult on changing legislation concerning mobility scooters.

I shall return to some of the points raised by my hon. Friends. I am keen to work with my hon. Friend on the recent rates of incidents involving scooters and I would be grateful if he provided the sources for any data he has reported today, so that we can build up an evidence base. I should start by saying that, as he said, information on incidents involving and injuries caused by mobility scooters is not recorded centrally. However, some research databases have given us an indication of the risk that they pose. Primarily, mobility scooters are used among pedestrians, who I am afraid do occasionally trip over them or are perhaps hit by them. However, because pavement speeds are limited to 4 mph, injuries are rare and mostly minor. That assertion is supported by several studies.

Estimates from a set of data collected from 18 representative A and E departments from a survey undertaken between 2000 and 2002 suggested that nationally there might be around 750 incidents a year involving three or four-wheeled mobility vehicles that warrant a hospital visit, although regrettably no indication of the severity of such incidents is available. I accept that since 2002 the number of people using mobility scooters has increased.

Fortunately, data are recorded from certain hospitals about people who have an NHS hospital stay of three days or more due to trauma. That suggests that each year across the country fewer than 40 people are injured by mobility scooters severely enough to require a lengthy stay in hospital. It is worth noting that around 95 per cent. of the injuries were to mobility scooter drivers, rather than to people being hit by them. That is an important point, and I will come back to the point about proficiency training, to which my hon. Friend referred, because it is linked to that point as well.

For fatal injuries, we have scanned press reports, which show that it is likely that a mobility scooter incident was the cause of at least one pedestrian death in 2009, and at least one in 2008. Of course, we would wish to avoid any incidents if possible, but the figure of one death a year should be compared with the seven deaths a day on the roads overall. I am not minimising the deaths caused by mobility scooters, but merely stating that the risk they pose to pedestrians is small when compared to the deaths caused by road vehicles overall.

To summarise that point, it would be fair to say that the evidence suggests that mobility scooters are reasonably safe, certainly when compared to other modes of transport. However, it is worth recognising that their primary design consideration appears in most cases to be to improve mobility, rather than to ensure the safety of the pedestrians with which they are most mixed.

My hon. Friend will be aware, perhaps from Christmas presents he has bought for younger people, that it is possible to buy a remote control car that, when it comes into contact with an object, such as a table, TV or CD rack, will do a U-turn to avoid hitting that object. As a lay person, I do not have technical expertise on that, but I do not see why mobility scooters could not do something similar. I would like to look at that in the design standards and in any consultations we have as well.

Another big issue that was raised is whether users of mobility scooters can be prosecuted for dangerous use. I should start by saying that that is a separate issue from how they should be prosecuted. The Chronically Sick and Disabled Persons Act 1970 specifically exempts "invalid carriages"—I am afraid that that is the language they used in those days—from road traffic legislation, defining them as "mechanically propelled vehicles", rather than "motor vehicles".

There is an offence in law under paragraph 35 of the Offences Against the Person Act 1861, which gives the police powers to deal with those who use mobility vehicles in a dangerous manner, and in proven cases a maximum sentence of two years imprisonment may be carried. Section 28 of the Road Safety Act 2006 now permits the application of discretionary points or disqualification for drivers with a driving licence. Of course, a person who has been injured by a scooter may also file a civil claim for damages or personal injury. For that reason, we strongly recommend that scooter users take out insurance, and available figures suggest that around 90 per cent. of them may already do so. I do, however, take on board the points raised by my hon. Friend.

Jeff Ennis: I thank the Minister for his reasoned response, which I am really happy with so far. On his point about the number of accidents and the actions that can be taken against individuals who are guilty of dangerous driving, I accept that that can be covered by the 2006 Act. However, Mr. Rushton from Wombwell, whose e-mail I read out, mentioned people using mobility scooters when drunk. One cannot be breathalysed when riding a mobility scooter, but one can still be prosecuted under the Licensing Act 1872 for riding a horse and cart when drunk. Surely we should introduce legislation. We should not be relying on laws from 1861 and 1872 for issues such as this. We should be bringing the legislation up to date.

Mr. Khan: My hon. Friend is in danger of making better than I have the points about why consultation is needed on some of the challenges that we face as the number of users increases and the potential risks that they pose to pedestrians increase as well. I was struck not just by his point but by what my hon. Friend the Member for City of York said about the apparent anomalies in requirements and prescription when it comes to insurance for some mobility scooter users and others as well. Clearly, those are issues that any consultation would need to take on board.

There is a caveat in respect of the lack of evidence for reasons that have been discussed over the past 25 minutes, but, on the available evidence, it appears that mobility vehicles are not having a significant impact on road safety, and that existing law does permit prosecution, with the caveats that we discussed in the last interaction.

A point was raised about users not being required to undergo compulsory training. The advice and training that are available from retailers, local authorities and charities are not compulsory, but the Department and I strongly recommend that scooter users avail themselves of them. My hon. Friend the Member for Barnsley, East and Mexborough gave examples of proficiency courses available to mobility scooters, and I commend organisations such as Norfolk police, which has been in the media today, that have put in place voluntary training schemes.

The key questions for any compulsory training would be who would be responsible for the training standards, which body would apply them and how the trainers themselves would be trained and assessed. I am interested in rolling out the idea of voluntary proficiency tests, which is perhaps an issue for consultation.

Another point that has been canvassed is remedial training for users who have been involved in an accident. There are practical problems with doing that, as there is no specific offence in law of riding a mobility scooter in a dangerous manner. It is difficult to see how we would do remedial training schemes, but training is an issue on which any consultation would seek views. I am also not opposed to the idea that was profferred about the Department creating a separate statistical category to collect evidence.

The legislation is now more than 20 years old. My hon. Friend has reminded me that we rely on an Act from 1861 for this area. In the last period, the use of such vehicles has increased. In 2005-06, for example, there were an estimated 70,000 to 100,000 powered mobility vehicles. A more recent estimate from the national travel survey suggests that there could now be up to 330,000, and the figure is likely to grow for the reasons that I have set out. The increasing number of such vehicles and the increasing interest in safety concerns make this an opportune time to look again at the legislation covering mobility vehicles. In doing so, our aim would remain to balancing the mobility needs of scooter users with the safety needs of pedestrians and other road users.

I am grateful to my hon. Friends the Members for Barnsley, East and Mexborough and for City of York for articulating in a proportionate and balanced manner some of the challenges that we face. I hope to work with

[Mr. Khan]

them to try to find some of the solutions, and to return to this matter with some better news in the not too distant future.

Question put and agreed to.

1.58 pm

Sitting adjourned.

Westminster Hall

Wednesday 6 January 2010

[Mr. George Howarth *in the Chair*]

RAF Lyneham (Strategic Defence)

Motion made, and Question proposed, That the sitting be now adjourned.—*(David Wright.)*

9.30 am

Mr. James Gray (North Wiltshire) (Con): I will begin by saying how pleased I am to have the opportunity to debate a matter of key concern to my constituency, as RAF Lyneham is based in North Wiltshire. I should say at the outset, however, that the debate is not about RAF Lyneham or North Wiltshire, although I hope that a side effect of what I will say might be a rethinking of the plan to close the base. The debate is about the strategic defence of the realm, the way in which the air transport fleet as a whole has been developed over recent years and current plans for its future change.

It would be wrong to start the debate without paying due tribute to the airmen and airwomen of RAF Lyneham who play such a central role in armed conflicts around the world. "First in, last out" is their great claim, to supply, to save, and to provide everything that the Army, Air Force and Royal Navy need on the ground. That all comes from RAF Lyneham in the magnificent Hercules C-130Ks and C-130Js. They have done a superb job for the nation and I pay tribute to all that they do.

They also play a central role in the repatriation of military bodies through RAF Lyneham. I know that the Minister will be as concerned as I am by the ridiculous notion expressed by Mr. Choudary that he might lead some kind of counter-protest through the streets of Wootton Bassett. I know that the Government, the Prime Minister, the Home Secretary and others are totally opposed to any such nonsense. I mention, in passing, that I was surprised by Sir Hugh Orde's remarks on the front page of *The Daily Telegraph* this morning, as he believes that Mr. Choudary's procession down Wootton Bassett high street should go ahead. That seems an odd remark for Sir Hugh to have made, as he has no possible connection with policing in Wiltshire. I am glad that the Government are determined, as am I, to prevent any such protest.

The debate is not about RAF Lyneham, but about the air transport fleet more widely and a series of decisions made in recent years which seem to be wrong-headed, incorrect and internally inconsistent and which seem to have got the whole question of how we spend our defence budgets on air transport wrong. That relates in part to how the procurements have been run, most notably for the A400M, which I will return to in a moment. The debate is partly about the basing study, which concluded that all our air transport should be brought together in RAF Brize Norton. It seems to me that that started on the wrong premise, was written with the wrong arguments and included some questionable accounting. In general, it is well worthy of revisiting.

The Labour party, the Conservative party and the Liberal Democrats—in the event that they form a Government—are committed to a strategic defence review after the general election. As a result of our discussions this morning, therefore, we should at least be ready to think that all those questions about air transport should be re-examined on a fundamental and strategic level in the SDR that will follow the general election. I have mentioned two aspects, but other areas to be considered include cargo, passengers and air-to-air refuelling. In the meantime, other decisions and actions that might prevent that re-examination in the SDR should be stopped. That is the main thrust of what I am seeking to achieve in the debate.

The Minister, my hon. Friend the Member for Aldershot (Mr. Howarth) and other hon. Members will know of the various plans currently afoot for the air transport fleet. We will run down the remaining 16 C-130Ks by 2012 and move the 24 C-130Js to RAF Brize Norton. I welcome the Secretary of State's announcement just before Christmas that we will buy a further C-17, taking that fleet to seven. Theoretically, at least we are going to buy 25 A400M airframes, and I will return to that point later. It is claimed that those will be in service from 2015, but we have no idea when the first plane will come or how long it will take for the rest to come into service after that. We are going to buy a total of 14 A330 tankers—a point that my hon. Friend the Member for Aldershot will expand on in a moment. We are also going to retire the VC10s and TriStars. All of that will be brought together at RAF Brize Norton, with RAF Lyneham closing by December 2012. All of that is known.

I have put together a little dossier, a copy of which I have given to the Minister, and copies are available for other Members and interested parties. It brings together all those facts, figures and thoughts in one easy place, and I should be grateful if the Minister would ask officials to respond to it in detail after the debate.

Central to all that has been planned for the air transport fleet is the notion that the A400M, together with the tankers and the C-130Js, will supply all our air transport needs, now and in all known or potential future conflicts. Central to those plans is the notion that that mix of C-130Js and the A400M could fill a smaller strategic footprint and, therefore, could all be crammed together at RAF Brize Norton. Behind that lies the notion that closing RAF Lyneham will save sufficient money to make possible the necessary upgrade at Brize Norton. I will briefly examine all those presumptions.

The first test flight of the A400M occurred recently, but everyone in this Chamber and outside knows that large questions remain over whether it will be ready in time—it almost certainly will not. We have no idea at all how much it will cost. Reuters reported this week that the chairman of EADS, the manufacturing company, said that unless substantially more money is pumped into the A400M, it will not want to go ahead with it. The Germans are busy touring the middle east trying to find new partners in the project.

I know that the former, and very much lamented, Secretary of State for Defence, the right hon. Member for Barrow and Furness (Mr. Hutton), in the week or two before he stood down from that post, and after being prompted by the RAF at a senior level, announced to the Department that he would cancel the A400M. That decision was overturned more recently, and it will be being considered within the Ministry of Defence, but I am reliably informed that he had decided to cancel the A400M for the reasons I shall describe.

[Mr. James Gray]

In any case, no one believes that the gap between the end of the C-130Ks and the incoming A400Ms will be bridged. There is an undeniable gap in our strategic and tactical air transport fleet, and anyone who knows anything about these things is extremely worried about that gap. In a recent briefing here in the House of Commons, the Chief of the Air Staff commented on how the C-17s are burning up:

> "The C-17s are burning up their useful life at an alarming rate, and will not last their projected 25 year lifespan."

He said that there is a major problem with the C-17 fleet, that he knows that there is a major problem with the C-130Ks and that the A400Ms will not fit that gap.

Even if the A400M is ready, is it really what we want? It is not big enough for the future rapid effect system project, which is now on the back burner at least, and possibly cancelled, and it is not big enough for the Mastiff. Helicopters, which are now so important in theatres such as Afghanistan, even when dismantled to a relatively sensible level, cannot be put in the A400M, but they could be put in the C-17. Many people in the RAF are not at all certain that the A400M is what they want or that it is fit for purpose. Many people in the RAF and the MOD are increasingly coming to the view that a better fleet would be a mixture of C-17s and C-130Js. I am told that it would be possible to purchase more of both from Boeing, were the Government to make that decision reasonably swiftly.

Such a decision would, of course, have industrial consequences, not least in my constituency. The wings for the A400M are made in Filton in Bristol, so I am conscious that there would be industrial consequences if they were to be cancelled. None the less, surely the SDR and what we are considering this morning should not be about jobs or industry, but about the proper defence of the realm. If we identify a gap in our defences, and I believe that the air transport fleet is such a gap, surely it is not right to allow it to continue because jobs depend on it. Surely we want to do what is right for the air transport fleet, irrespective of the sad fact that cancelling the A400M might have consequences for jobs in Bristol. After all, closing RAF Lyneham would have huge consequences, as some 10,000 people in my constituency altogether, including spouses, owe their livelihoods to it. The Government have decided to close it despite the devastating consequences that that would have on the economy of my constituency. We have to take decisions that are right for the defence of the realm, irrespective of the economic consequences—in this case, for Bristol.

The Government's conclusion that everything should be brought together at RAF Brize Norton through Project CATARA—centralised air transport and air-to-air refuelling assets—is wrong for a wide variety of reasons. This is a direct quote from what an extremely senior RAF officer said to me the other day:

> "The move to Brize is to be completed with no reduction in operational tempo. It will be a disaster which the RAF will regret, but it's got to be made to happen. I'm just glad that I'll have left by then, so it's [others] who will have to live with the mess."

A serving RAF officer who knows exactly what he is talking about is delighted that he will have left the RAF by the time Project CATARA is completed. Others will have to live with the mess.

In the main, I want to touch on what that mess will be. It is fairly obvious that Project CATARA will put all our air transport eggs in one basket. It is very neat to take all our air transport and bung it in one place. Of course, there is only one runway at Brize Norton, compared with the three that we have at present: two at Lyneham and one at Brize Norton. Bung everything into one place at Brize Norton—what an invitation to an enemy, a terrorist or adverse weather conditions. Brize Norton is subject to flooding and fog, and if the runway is closed incessantly because of weather or—I shudder to say it—a dirty bomb on the one runway, we would remove our entire air transport capabilities for days or weeks.

Recently, a Vulcan was in the air, and a TriStar had a blowout on the runway at Brize Norton. The Vulcan had to divert to RAF Lyneham—thank goodness it was still there—and the plane landed with just enough fuel left. The other day, an emergency helicopter requested permission to land at Brize Norton and was told that it could not because there was not room on the runway. What a foretaste of things to come—we are putting all our air transport eggs in one basket.

I tabled a parliamentary question the other day, asking what would happen if the Brize Norton runway were to be closed for some reason or other. The Minister responded that in the event of the Brize runway being closed, civilian airports would be used in an emergency. By contrast, the day after I got that response, I had breakfast here, thanks to the excellent all-party Royal Air Force group, which is chaired by my hon. Friend the Member for Aldershot. The Chief of the Air Staff was there, and I asked him what would happen if all our air transport eggs were in one basket at Brize Norton, and it were closed for some reason. He said, "We would have to use other airports." I said, "That is very interesting, Chief. Which other airports have you in mind?" He said, "I think Bournemouth." There we have it: Bournemouth. RAF Lyneham is closed, RAF Brize Norton is out of operation because of weather or a terrorist bomb, and we have dangerous cargoes, weapons, and, sadly, perhaps dead bodies being returned to Bournemouth airport. Does this Parliament really want Bournemouth airport to be used as an alternative to our RAF bases? I am sure that we do not.

Anyway, Brize Norton is fantastically crammed already. It is a much smaller airport than Lyneham, and there simply is not enough room for the 6,000 servicemen and their aircraft that will be based there. There will be 65 planes altogether, but there are only 62 parking slots, so it is too small for the planes themselves. There is no room at all for training. The Government are talking about reactivating Keevil airport for training purposes. Keevil has been used only by gliders for some years now. They are talking about closing Lyneham and bringing Keevil back.

There are not nearly enough married quarters at Brize Norton, so we have two options. We could bus all the airmen down from Lyneham to Brize Norton—they have already been told that that will take two hours each day off their shifts, thereby restricting the length of their shifts. Alternatively, the Government are looking into whether they could buy the married quarters at Faringdon. They are going to close the married quarters at Lyneham and buy Faringdon. The cost of buying the married quarters at Faringdon is £200 million. What complete and utter nonsense that is.

By contrast, of course, Lyneham has everything that could possibly be wanted. It has huge ramp and hangar capacity and plenty of married accommodation. Its simulators are state of the art. The C-130J simulator is widely known to be absolutely the best in the business. It will be torn down by big cranes and £10 million will be spent on building a new one at Brize Norton—another £10 million wasted.

The people around RAF Lyneham are not noise-averse—they are wholly supportive of the RAF. I am not certain that the people of Carterton in the constituency of my right hon. Friend the Member for Witney (Mr. Cameron), the Leader of the Opposition, would necessarily be all that pleased about having all the planes in one place.

One particular thing worries me enormously. The House has been concerned in recent weeks about accidents of one kind and another that have occurred because of cost-paring in the MOD budget. There are some worrying air traffic control implications with all the planes operating from Brize Norton under Project CATARA. I have expanded on that in detail in the dossier that I have given the Minister, but there are three important aspects.

First, Lyneham and Brize Norton are at very different altitudes, and the runways go in different directions. Basically, they are at right angles to each other. Lyneham has two runways, and Brize Norton has one, which is often closed by fog or snow. They are ideal alternative airports to each other. Planes can easily divert from Lyneham to Brize Norton and vice versa. Of course, that safety arrangement would be lost if Lyneham were closed.

Secondly, a recently retired RAF air traffic controller said to me:

"It is certain—

certain—

"that the increase of aircraft numbers at Brize Norton will make the air traffic control environment a lot more difficult to handle, especially without the safety valve of Lyneham."

He went on to say that there was a real likelihood of accidents occurring as a result of the absence of that safety valve.

In a parliamentary question, I asked the Minister what consideration had been given to the air traffic control implications of Project CATARA, and what he was doing about the safety aspects. He replied that

"consideration of potential airspace issues relating to the expansion of RAF Brize Norton's role remains ongoing."—[*Official Report*, 16 December 2009; Vol. 502, c. 1215W.]

The Minister had not yet considered whether there were air traffic control or safety implications in Project CATARA. The Government do not know. Putting everything at Brize Norton may actually make life more dangerous and result in accidents, but the MOD has not yet looked into it—it is considering the matter. I find it absolutely astonishing that we as a country will spend hundreds of millions of pounds to bring all the planes together in one place, but we have not looked into whether that may make our air transport more dangerous, and result in more accidents.

The third point on air traffic control is that the concentration of aircraft at Brize will result in some real problems on the ground. I put some maps in my dossier, but, in simple terms, at Brize Norton there is no taxiway parallel to the runway to the north. There is only a taxiway to the south. What has to be done in such circumstances is rather like what is done at Heathrow, which has a one-way system.

However, having no taxiway to the north, which, incidentally, is where the passenger terminal and the operations base are, means that all the planes have to cross the runway to get where they are going. There are already substantial delays at RAF Brize Norton. A pilot tells me that one can wait for up to half an hour. One VC10 on the runway would mean that other planes would have to wait for half an hour to get across the runway. It is widely presumed that one cannot achieve a satisfactory operation with no taxiway to the north of the runway. Those details are laid out more carefully in the paper that I have given the Minister. There are very real problems: we are talking about the potential for huge congestion at RAF Brize Norton, which will obviously curtail our capabilities overseas.

Those problems and all the others that I have mentioned could, of course, be sorted out if the Government were to spend a sufficient amount of money on Project CATARA. Clearly, if they chucked a lot of money at it, they could build a second taxiway, reorganise the officers' mess, which I gather is in the way, sort out the married quarters and the simulators and so on. Therefore, I would like to take a quick look at a rather obscure area of MOD accounting. I shall try not to bore the House too much with the detail, which, again, I have laid out with some care in my paper.

Originally, this project was budgeted to cost £360 million: the Government were going to spend £360 million on bringing all the planes together at RAF Brize Norton. However, I hear that that has already been slashed to £180 million to help pay for Operation Herrick in Afghanistan. Imagine any project's budget being cut in half; either the budget was vastly too great in the first place or we are cutting corners to a significant extent today to achieve other things in the MOD budget. I should be interested to know whether that is so.

I have also been told that the way the MOD have worked the accounting on this project means that it is concealing quite a large amount of the infrastructure costs of Brize Norton, not under Project CATARA but under the A400M project. It is covering up the actual cost of rebuilding Brize Norton by putting the money invisibly into the A400M project. The Minister looks surprised by that, but it is simple. Perhaps he would care to lay out for me—I will happily table a parliamentary question to this effect—in words of one syllable the total infrastructure costs of rebuilding RAF Brize Norton. I have asked a number of parliamentary questions and been fobbed off. If the Minister denies that this is so, I will happily table a parliamentary question today and I expect him to reply by laying out in minute detail precisely what all the infrastructure costs are at Brize Norton. I suspect that they are much higher than he is currently prepared to admit.

The second area of dodgy accounting that I would like the Minister to look into is the annual saving from the closure of Lyneham that is talked about. At the moment there is a £44 million budget, but of course most of that will go across to Brize Norton. I am told that the net saving from closing Lyneham is round about £6 million a year: absolute peanuts. So it will cost us hundreds of millions of pounds to move to Brize Norton and we are saving £6 million a year. The MOD's

[Mr. James Gray]

brave claim that this will all pay for itself within a few years is exposed as nonsense. I suspect that it will take at least 50 years to repay it, and probably even longer.

Perhaps we will make a lot of money out of selling the RAF Lyneham site. If we can make hundreds of millions out of that, we can use the money to pay for CATARA. I have looked carefully into that, too, and have noticed a couple of things. First, the so-called Crichel Down rules will apply to the sale of RAF Brize Norton. In other words, it has to be offered back to the original owners from whom it was requisitioned in 1938. A Member of the House of Lords, the noble Lord who occupies Corsham manor nearby, is the original owner. I suspect that that Liberal Democrat noble Lord will lay hands on it and say, "Thank you very much indeed. I'll have the land back at the original price." Anyhow, local planning rules mean that the site could not be used for extensive building, although there might be some light house building.

More importantly, it seems likely that the cost of decontaminating the site, as required under the Crichel Down rules, would be enormous. I asked the Minister how much he has budgeted to decontaminate the site of RAF Lyneham and here is his answer:

> "Until a"

land quality assessment

> "has been completed, it is not possible to give an estimate of the costs relating to land contamination. We currently anticipate that an initial LQA of the site will be undertaken in financial year 2010-11".—[*Official Report*, 16 December 2009; Vol. 502, c. 1217W]

In other words, they are talking about moving out of Lyneham and selling it under the Crichel Down rules, which means that it is not worth much anyhow, and they do not have the faintest idea—they have not yet even considered—how much it will cost to decontaminate the site. I can tell the Minister that I have been on the site many times over 13 years and it is absolutely contaminated up to the eyeballs. Local estimates suggest a possible cost of £100 million to decontaminate the RAF Lyneham site.

One RAF officer told me, "I've heard that according to the figures we're putting into the budgets, we'll sell the site for £10 million and it will cost £10 million to do it up—to decontaminate it." I can tell the Minister that he will sell the site for almost nothing at all, if anything, and the contingent liability on the Government to get rid of the contamination and buildings and general mess that will be left on the site will be hundreds of millions of pounds. That is a huge white elephant for the Government and, at a time when defence budgets are under constraint as they are, to waste money in the way that we are describing is wrong.

The Minister should come forward with clear figures about precisely how much it is costing to move all these planes to RAF Brize Norton and how much he intends to save by closing RAF Lyneham, and he should say how much he intends to make, or believes he will make, from selling the RAF Lyneham site. He must come up with a substantial net figure, showing a saving in relation to the large tactical and infrastructure problems that I have described with regard to Brize Norton, to make it work. I do not believe that he can do it. If he thinks that he can do it, I refer him to the late-lamented project to bring all the Army and Air Force helicopters together in one place from three or four bases around England—Project Belvedere—that we decided not to go ahead with just before Christmas. It was concluded that the cost of bringing them together in one place at Lyneham, despite the fact that the bases would then be sold, was vastly greater than the cost of leaving them where they were. If that was the logic regarding Project Belvedere, how on earth can Project CATARA come to the opposite conclusion—namely, that bringing all these things together at Brize Norton will somehow save money?

I suspect that a decision was taken some years ago by the RAF or by civil servants, who decided to gallop down this track and are now realising that there are problems inherent in bringing all the planes together in one place and that the sums do not add up. The right hon. Member for Barrow and Furness had the guts to say, "Actually, I want to turn this thing round. I want a fundamental look at it." But sadly he did not stay in the job long enough. The fact that the air transport projects that I have described are in a complete and utter muddle cannot be squared.

I shall say only one thing in regard to this debate: I should like the Minister to acknowledge that some of these things are wrong and that he does not necessarily have all the answers to the debate today. We have a strategic defence review coming up and this matter is central to it. If we cannot supply our troops on the ground and cannot get our people out to theatre of war, we cannot conduct a proper war. If the Minister will say to me today, "I want to have a fundamental look at the A400M, at Project CATARA and at the closure of RAF Lyneham and I will do that in my much-promised strategic defence review", I will take the view that this debate has been worth while.

9.56 am

Willie Rennie (Dunfermline and West Fife) (LD): I congratulate the hon. Member for North Wiltshire (Mr. Gray) on securing the debate and on his impressive dossier, which is one of the most comprehensive that I have seen prepared for any Westminster Hall debate. The hon. Gentleman put forward his case strongly and I should like to hear the Minister's response to it.

The hon. Gentleman has been running this campaign in a determined way since the decision was announced a number of years ago. He has worked on a cross-party basis with a number of people in his constituency, including some with political affiliation and some with none. I commend him for his efforts during that time. Unfortunately, the Minister and the Government seem equally determined to proceed with their case. Today's debate gives us the time to explore that decision and to see whether there is solid justification for their proposals.

The hon. Gentleman was trying to broaden the debate to cover the airlift capacity for the defence of the realm, but he rightly focused on the implications for RAF Lyneham—I do not criticise him for doing so. I support his basic claim that as we are so close to a strategic defence review, this matter should be considered as part of that. We are considering a long-standing decision that goes back a number of years, but because of the facts that the hon. Gentleman advanced in such a detailed way, it would be illogical to rush to a decision on Lyneham so close to a strategic defence review.

Essentially, I agree with the hon. Gentleman that we should take time out and think about the matter more broadly, as part of consideration of the A400M problems, the C-130K life extension and its potential costs, issues to do with Brize Norton, and so forth. Given that those matters are complicated and detailed, they are worth considering as part of a strategic defence review, so I urge the Minister to tell us why we should proceed with this decision so close to a strategic defence review?

In his dossier, the hon. Gentleman advanced a number of detailed concerns about the consequences of Project CATARA. He put them in simple terms—putting all the eggs in one basket, over-cramming, air control, the safety case—and I do not wish to repeat the factors that he mentioned. He described these serious considerations in a compelling way and I hope that the Minister will respond in detail.

The hon. Gentleman will be pleased to hear that I have read his previous debates on this subject in which alternative uses for the site were suggested, should the closure proceed. I would like the Minister to tell us what options have been explored, as some uses seem to have been ruled out. The hon. Gentleman considered the rapid reaction corps and various other alternatives, but we have not had an explanation as to why those suggestions were ruled out by the Ministry of Defence.

If the closure proceeds, will the Minister tell us what is planned in the way of support for the community? The hon. Gentleman rightly referred to the parades in Wootton Bassett and its recognition of the servicemen and women who have lost their lives in conflict. It has been a totemic centre point for the whole of the UK to express its grief. We should be looking after that community, given the service that it has provided to the rest of the country, and I would like to hear what is planned, should the closure go ahead. What regeneration package is in place, and what is proposed for the use of the site?

There are also concerns about the Future Brize project, including the accommodation expansion. Part of that project involves overhauling the IT system, engineering, housing and so on. In response to a parliamentary question, the Ministry of Defence stated:

> "some accommodation at Brize Norton is not of the standard that service personnel and their families deserve"

and

> "we are taking steps to address this."—[*Official Report*, 8 May 2008; Vol. 475, c. 1134W.]

There are reports about cuts in the budget for the changeover from Lyneham to Brize Norton. What impact has that had on the upgrade of the accommodation at Brize Norton?

The hon. Gentleman also referred to the diversion plans. He referred—quite amusingly—to the Bournemouth possibility, but there are also reports that RAF Fairford could be used.

Mr. Gray: I am conscious that I slightly misquoted the Chief of the Air Staff during my speech, and the hon. Gentleman has given me the opportunity of correcting that. The Chief of the Air Staff said that a number of other bases might be used, and in a list of several he mentioned Bournemouth. I perhaps chose the most ridiculous example, thereby slightly misquoting the Chief of the Air Staff, and I am grateful for the opportunity to correct myself.

Willie Rennie: I am glad that the hon. Gentleman has done so because it is important that we get the facts straight. RAF Fairford is also a possibility for consideration, but the US air force is pulling out of there in 2010. What are the implications of that for the diversionary plans, if Brize Norton cannot be used under certain circumstances? I would like to hear those details from the Minister.

On the wider issue of airlift for the defence of the country, the procurement of the A400M has been problematic. As a pro-European, my heart is with the A400M and I am keen for it to be successful. However, there have been a number of problems, almost from the beginning—that is probably typical of many projects within the Ministry of Defence that experience problems due to delays, overruns, and specifications. A number of reports have covered issues such as whether the plane is now overweight and will not be able to carry the 32 tonnes originally envisaged but will instead carry only 29 tonnes. There is an issue about whether the plane is big enough, to which the hon. Gentleman referred, and there are concerns about the future rapid effect system vehicle, which we have discussed and are waiting for with great anticipation. Will it fit in the plane, or will the tyres have to be let down to squeeze it in? Will the helicopters need to be dismantled to such a ridiculous level that it is hardly worth while? Are those problems real? It would be helpful if the Minister could be frank about those issues and tell us in some detail how they will be addressed.

Yesterday, there were reports that the European Aeronautic Defence and Space Company was getting frustrated with European Governments' inability to make a decision about the future of the A400M. It is demanding a decision by the end of the month. It would be helpful to have an update of the position on that. Will the extra €5 billion be covered, or is the project going to be scrapped? Those are important decisions affecting an important platform that we require for our defence. It is important to have some frankness about the project so that we may have confidence going forward.

We must also have contingency plans in place, and that is the next point that I hope the Minister will address. I have heard reports that the A400M could perhaps be delayed until as far ahead as 2020. That seems ridiculous, but the reports are from well-sourced people. Are contingency plans in place to cover that significant gap? In 2006, the Defence Committee expressed concern about extending the life of the C-130Ks beyond the life extension currently proposed, which would cost about £26 million. Its 2006 report stated:

> "The delay to the A400M programme has required the lives of ageing C-130K aircraft to be extended. If there are any further delays in the A400M programme, the scope for further extending the lives of C-130K aircraft may be limited, and expensive, leaving a potential capability gap."

What assessment has been made of that possible need for a further life extension, and what would the costs be? If concerns about a life extension existed in 2006, what are they now?

There have been extensive reports on this subject. At the end of last year, we had a statement from the Ministry of Defence about the problems in the defence budget. Can we afford to plug that affordability gap? If it is not physically possible to have the life extension,

[Willie Rennie]

can we afford to buy additional kit to plug the capability gap because of the problems with the MOD budget? These are serious issues. We need confidence and clarity about what is planned, or debates such as this will continue.

The hon. Member for North Wiltshire has done a great service, and I know that he works closely with people in North Wiltshire to try and achieve a successful outcome. Again, I appeal to the Minister by repeating my central point: why, so close to a strategic defence review, would we rush this decision when there are so many complicated factors that need to be taken into consideration? I hope that he will respond to that in his reply.

10.7 am

Mr. Gerald Howarth (Aldershot) (Con): It is a pleasure to serve for the first time under your chairmanship, Mr. Howarth. At the outset, let me congratulate my hon. Friend the Member for North Wiltshire (Mr. Gray) on successfully securing this debate. He has done us all a huge service, and he has produced a document that the hon. Member for Dunfermline and West Fife (Willie Rennie) has rightly identified as extremely professional. Although my hon. Friend clearly has a constituency interest, which he has promoted with extraordinary diligence, he has made a compelling generic case for the role of RAF Lyneham and for the future of the air transport fleet. I will return to that in a moment.

I also wish to pay tribute to RAF Lyneham for the particularly gruesome role that has been thrust upon it, as the entry point for the repatriation of those who have fallen in Afghanistan. Having visited Lyneham, I know that it is not easy for the people at Lyneham and the Royal Air Force personnel to have constant public attention due to that extremely sad aspect of the war in Afghanistan, which has been thrust upon them on a weekly basis. I hope that my hon. Friend will take back to all those who operate at Lyneham our enormous appreciation for what they do, on behalf of not only all three services but the nation.

It would be wrong, in paying tribute to Lyneham, not to pay tribute also to the people of Wootton Bassett, who, by common consent, have struck such a chord across this kingdom because of the extraordinary dignity with which they have paid their public but in a sense private tribute to the fallen. I fully endorse my hon. Friend's concerns about the endeavours of that serial ranter, Anjem Choudary, to try to destabilise the position and cause untold offence across the land. I am sure that the Government will take the same view; indeed, the Prime Minister expressed his abhorrence the day before yesterday. What Sir Hugh Orde thinks he is doing, goodness knows, but I certainly share my hon. Friend's view on that matter.

I also pay tribute to the personnel at RAF Lyneham for the contribution that they make, across a range of activities, through the C-130 Hercules fleet. That aircraft has been in existence for about 50 years and has proved itself across a huge range of military and civilian air operations to be an outstanding platform. Versatile and rugged, it is capable of going to the most difficult places. Wherever there is a problem, it is rare not to see a C-130 in the thick of it, doing the business.

Having spent some time on the flight deck of a C-130 flying from Kabul to Camp Bastion before Camp Bastion even had a concrete runway, when it was just bare desert, and having talked to the crew about the trials and tribulations of operating in those extreme circumstances, in which there was no runway lighting save for three markers down each side of the desert strip, visible only through night vision goggles, it would be hard for me not to appreciate the extraordinary skill of the crews—not only the pilots but the loadmasters and other crew members of the C-130—in doing what they do. This is an opportunity for hon. Members to put on record our appreciation for all those Royal Air Force personnel and what they do.

I shall add to the tribute section of my remarks some very personal thanks to the Minister, as well as to the folk at RAF Lyneham. I am a trustee of the Vulcan to the Sky project, which has delivered the only Vulcan to be restored to flying condition. It has been displayed to 2.5 million people this year and has produced something called the Vulcan effect at air shows; it is a huge magnet for attracting the public to air shows. RAF Lyneham has played host to the aircraft over the winter, and we are extremely grateful to RAF Lyneham for providing us with accommodation over the winter, while we are undertaking quite significant modification works to ensure that the aircraft is on the display circuit next year.

I said at the outset that my hon. Friend had produced an extremely professional paper and that he had dealt with much more than simply the situation at Lyneham. Some of the arguments that he advanced are very compelling. One of his key arguments was that there is a severe risk that the Government will put all our eggs in one basket. That reminds me of an expression of Winston Churchill's during the second world war when it was proposed that a number of Cabinet Ministers be transported together in one aircraft. He thought it undesirable that all his baskets should be confined to one egg.

I agree with my hon. Friend that what he has described is a major factor. I fear that officials see airfields just as opportunities to raise money. They see large tracts of land, which generate pound signs instantly in their eyes. There is a failure to recognise some of the practical implications of these decisions, to which my hon. Friend has drawn attention.

I have expressed concern both to the Chief of the Air Staff and to others about the risk that we face in reducing the number of runways available, for all the reasons that my hon. Friend has given. If a runway is out of action, we do not have the ability to use that airfield until it is repaired. What was the Vulcan's endeavour during the Falklands campaign? It was to destroy the runway at Port Stanley, so that the Argentines could not use it to reinforce their troops on the Falkland Islands. In my view, we are taking a risk. It is fine to say that, in an emergency, we would close civilian airports to civilian operations and make them available for military use, but that is an unsatisfactory way of dealing with the issue.

The idea is that Brize Norton will be able to host a huge number of aircraft: myriad fleets, including the C-17, which has now been increased to seven aircraft, the future strategic tanker aircraft—up to 14 of those—C-130 aircraft, of which there are at least 40 at the moment and there will possibly be more, and the A400M, with another 25 of those. The FSTA will have its own bespoke hangar. The idea that Brize Norton will be able to host all that on an already fairly congested site makes the case admirably.

The hon. Member for Dunfermline and West Fife referred to the decision of the Americans in effect to put RAF Fairford on a care-and-maintenance basis later this year. I join him in saying to the Minister that we need an explanation of the implications of that for the RAF, of whether the Americans will continue to pay the cost of maintaining the airfield and of whether their decision is likely to have an impact on the MOD's budget, in that it will have to find funds to keep that airfield available. For all those reasons, my hon. Friend the Member for North Wiltshire has made a very strong case why we need more than one air transport airfield to provide this essential facility for the RAF.

The wider issue of the air transport fleet is also part of the debate. We have a catalogue of disasters, some of which are this Government's fault; others are not. In the case of those that are not, I shall return to the A400M later. I shall deal first with the TriStars and the VC10 fleet. Those aircraft provide both air-to-air refuelling and air transport. Most notable in the public's mind are the TriStars—those 1970s aircraft that had extended airline service and then were bought by the RAF in the 1980s. Those aircraft are now very ancient indeed and their reliability is not as great as people would desire.

The consequence is that our troops out on operations in Afghanistan find that their return home is delayed, and their leave counts from the moment that they leave their theatre of operation, not the airfield. Many soldiers in my constituency of Aldershot have told me of their frustration at finding that their leave has been consumed to far too great an extent by the business of trying to get home from theatre, because of the inadequacy of the air bridge operated out of Brize Norton.

I do not blame the Royal Air Force. The previous Chief of the Air Staff, Sir Glenn Torpy, took the matter in hand and did a huge amount to try to improve the situation, and there has undoubtedly been an improvement in the operation of the air bridge, but the RAF has to operate clapped-out aircraft, and that is simply not fair on those personnel.

Just over a year ago, I travelled to Afghanistan on a TriStar. As an aviator, I seek to spend as much time as I can on the flight deck, so that I can understand some of the issues, and a number of the dials in that aircraft had little red dots on them. I asked what they were for, and the crew said, "We'd better tell him. Those instruments are all unserviceable." One of those instruments served a reasonably critical purpose. Obviously, the crew were happy to fly the aircraft—a pilot is not going to fly an unserviceable aircraft—but the fact is that the TriStars are old and expensive.

The Government propose to replace the TriStars and the VC10s with the future strategic tanker aircraft. The RAF bought some of the VC10s in the 1960s, so they have been operating for 50 years, although with an extraordinarily good safety record. However, I am on record as opposing that procurement, because it has been absolutely scandalous. Ten years ago, the Government approved a private finance initiative to replace the air-to-air refuelling facility provided by the TriStars and the VC10s. It then took Ministers five years—until 28 February 2005—to announce that the Air Tanker consortium was the preferred bidder. The contracts were not signed until three years later, on 27 March 2008. The first aircraft will not enter service until at least 2011, and the cost will be £13 billion over the 27-year life of the contract. If more than the core fleet of nine Airbus A330 aircraft is required, the costs will presumably go up, although I do not know, because I have had no sight of the commercial contract that the Government have agreed. It is impossible for the Opposition to hold them properly to account, because they will not release the commercial information. We shall have to wait until we come into government to find out exactly what Ministers have signed up to.

The Government's incompetence has delayed the programme and forced the Ministry of Defence to waste £20 million providing new glass cockpits for the TriStars, which will go out of service. The cockpits are required because the International Civil Aviation Organisation demands that aircraft operating in international airspace have up-to-date flight decks, which the TriStars do not. Marshall Aerospace of Cambridge is undertaking the work, which is not expected to be completed until the end of next year. Those aircraft will go out of service by 2016, when the full fleet of A330 tankers is expected to be in service, and they will presumably be scrapped—I cannot see anybody wanting to buy them. What the Government have done is a scandalous waste of money: not only will £20 million go down the drain, but aircraft that are critical for operations in Afghanistan will be taken offline while their flight decks are completely stripped out and refitted.

Last year, the cost of operating the ancient fleet of VC10s was £83 million; this year, the operating cost will be nearly £30,000 an hour. Why did Ministers not take advantage of a commercial offer from Omega Air to lease DC-10s fully equipped to theatre-entry standard at about one third of the cost of operating the VC10s? Omega Air tells me that it can lease the DC-10s for about £10,000 an hour.

Why did the Minister with responsibility for defence procurement claim that there had been no trial of a commercial alternative, when I have before me clear evidence that such trials have been carried out involving air-to-air refuelling with the Omega Air aircraft? The internal MOD document before me is dated 9 May 2009 and headed "Quick AAR"—or air-to-air refuelling—"win from Exercise Torpedo Focus 08-1/2". It states that "COS Ops", which presumably means chief of staff operations, "approved a trial"—I emphasise the word "trial"—"using Omega Air assets". It describes the trial as "a resounding success", adding:

> "The RAF now has an 'on the shelf' clearance to utilise Omega Air assets worldwide."

In a parliamentary answer last year, however, I was told that no trials had taken place. I demand an explanation. I fully accept that I have landed this on the Minister without advance warning, so I do not expect him to give me a comprehensive answer now—that would be unreasonable—but I hope that he will understand my anger at the fact that I have been told something that, outside this place, might be described as a straightforward lie. I have an internal MOD document that uses the word "trial", but Ministers say that no trials have taken place, so an explanation is required.

[Mr. Gerald Howarth]

Omega tells me that it has one theatre-entry standard KDC—a DC-10—immediately available. The aircraft can carry more than 350 passengers, and up to six aircraft could be available within a year. If the MOD had seized the opportunity in 2008 to work with the company, which provides continuing service to the US armed forces, they could now be meeting the air bridge and air-to-air refuelling requirement in more modern, efficient and reliable aircraft, thus hugely helping our armed forces in Afghanistan and providing the RAF with the equipment that it needs.

Omega is not the only company to have submitted a proposal to the MOD; Crown Aviation has done so, too. However, despite the desperate need for a more reliable and cheaper aircraft, the MOD has stuck its nose firmly in the sand and ploughed on with clapped out aeroplanes.

A comparison of last year's planned flying hours for the VC10s and TriStars with the actual flying hours perhaps says it all. The TriStar's planned hours were 11,561, but it delivered 8,966—a shortfall of more than 2,500 hours, or 22.5 per cent. I wonder whether that is the result of the aircraft's age and reliability. The VC10's planned hours were 9,254, but it delivered 8,952, so the shortfall was only 300 hours, which was substantially less than that for the TriStars. The TriStar fleet was clearly well short of its planned utilisation, and it would be helpful if the Minister explained why.

I said that I would say a few words about the A400M. The hon. Member for Dunfermline and West Fife has raised a number of issues. Again, there is huge uncertainty about the aircraft. I do not entirely blame the Government. I cannot understand the difficulties experienced by Airbus, which delivered the A380 from design to service in about six years—admittedly, the aircraft had some problems, but it is in service. However, the A400M is a basic transport aircraft, and I do not understand how Airbus can have got itself into such a fix. As I say, I do not blame the Government for that, but we need to know their position and what they are going to do.

What is the contractual status of the aircraft? As my hon. Friend the Member for North Wiltshire has reminded us, Airbus and EADS, the parent company, are so concerned about the implications for the financial health of the company if the contract is persisted with that they are seriously considering possibly scrapping the whole thing themselves. We need to know the Government's position. It is a fixed-price contract, but the latest National Audit Office major projects report for 2009 makes it clear that the original forecast cost of each aircraft was about £110 million, and that has now gone up to £130 million.

Is it proposed that the Government will operate on the basis of 25 aircraft, at a cost of £130 million? Are they holding Airbus's feet to the fire and saying, "This was a fixed price contract; you have to deliver at all costs?" Are they bending to Airbus's concerns and saying, "Okay, we'll take a reduced number of aircraft at the same price as was originally agreed?" We need to know. The House needs to know; the public need to know and, as my hon. Friend said, the Royal Air Force needs to know, because there are great concerns in the RAF about having such a large mix of aircraft in the fleet. That will undoubtedly add to cost and the logistics of operating the air transport fleet. It is not good enough for the Government to hide behind commercial in-confidence discussions on a matter of such great importance to the nation.

To leave the Minister plenty of time to respond to the debate, I want to conclude by saying that our position is clear. We think that it would be entirely wrong for the Government to pre-empt a strategic defence review that they have said they would undertake if returned to office later in the year and that we, too, have made it clear we would carry out. Indeed, the Government are doing some preparatory work, and so are we. The taking of major decisions that would pre-empt the review will be regarded as at best unreasonable and at worst knavish.

Mr. Gray: I am sorry to press my hon. Friend, but, of course, a few months from now he may well be the Minister making the decision. Am I right in understanding him as saying that the potential closure of RAF Lyneham and the bringing of things together at RAF Brize Norton could form part of a Conservative Government's strategic defence review?

Mr. Howarth: Absolutely. I have made it clear to my hon. Friend's constituents that that is one of the things that we would do. It seems to me essential, if we are to have a defence review that will assess the real and potential threats to the nation, and if, having done so, we are to decide what military capabilities we require to meet those threats, that we must translate those decisions into the aircraft, ships, tanks and armoured vehicles that are needed and the places where they will be based. Making those decisions now—not only is Lyneham affected, of course, as we now hear that Cottesmore is to close—will deprive future Ministers of options that most reasonable people and certainly those who are concerned with defence feel should be available to them; they do not think that the Government should pre-empt those options, as they are doing.

Several RAF stations—I am thinking of places such as South Cerney, Catterick and Dishforth—have been turned over to Army use. Who knows what will happen to the Army in Germany and what decisions might arise out of studies about that? I am not suggesting that any decisions have been made about that, but they could be; and if our forces in Germany were brought back to the United Kingdom, where would they be based? If we close and sell off RAF stations, we limit the options that will be available. I can give my hon. Friend the assurance that he seeks that we would put the future basing of our fleets—not just the air transport fleet, but the fast jet fleet as well—into the mix for a strategic defence review. That seems to me to be the sensible thing to do, and I am sure that that is what my hon. Friend's constituents, both military and civilian, want to hear. I hope that those who are informed about such matters will also be reassured to hear it.

10.35 am

The Minister of State, Ministry of Defence (Bill Rammell): It is a pleasure to respond to the hon. Member for North Wiltshire (Mr. Gray) in this debate, and I congratulate him on securing it. I thank him for his words of praise for servicemen and women and civilians who have been doing vital work in support of our operations. I thank all the people who work at RAF Lyneham, and the community there who have over the years given incredibly strong support to the station and the Royal Air Force. I also want to thank those who have done so much to ensure that people who lose their lives on operations are repatriated with the honour and dignity that their sacrifice deserves.

As the hon. Member for North Wiltshire will be aware, the number and operation of military airfields is under constant review to ensure—and this is rightly the responsibility of Government—that the best use is made of the defence estate for our armed forces. To say that this is not the first time that the hon. Gentleman has raised the issue in the House would be the understatement of the year. I pay tribute to him for the tenacity with which he has made his case on behalf of his constituents, who I recognise are understandably concerned for the future of RAF Lyneham. However, although I recognise that there will be some disappointment about it, the answer that I must give him today is unchanged from the one he has heard from successive Defence Ministers over the past five and a half years.

It was first announced on 4 July 2003 that the future air transport and air-to-air refuelling fleets would, by 2012, be collocated at RAF Brize Norton, which from that point would be the single defence airport of embarkation. The hon. Gentleman knows that the strategic review work that considered the future role of RAF Lyneham, RAF Brize Norton and RAF St. Mawgan took more than a year. Phase 1 of the review was to decide the optimum basing for the A400M, which will, as has been discussed, replace the C-130K fleet currently at RAF Lyneham. The hon. Gentleman will recall that in August 2002 the then Minister of State, my right hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Mr. Ingram), announced that RAF Brize Norton would be the home to the new fleet. Phase 2 of the review was to consider properly the longer-term future of all three stations. It was as a result of that work that the Government announced that the C-130J fleet would move to RAF Brize Norton in 2011, and that if no further defence use was identified for it, RAF Lyneham would close. That remains the position today.

The decision was driven and underpinned by a clear value-for-money case, which estimated the steady-state saving associated with withdrawing from RAF Lyneham at £27.9 million per annum. In addition, it is currently forecast that the efficiencies generated by amalgamating the functions currently carried out at RAF Lyneham with those based at RAF Brize Norton will realise input and output savings totalling some £437 million from the financial year 2011-12 through to 2019-20 alone.

Mr. Gray: Although the Minister may not have time now to answer in detail, if I table a parliamentary question on these lines, will he lay out in clear and precise terms how all the arithmetic works?

Bill Rammell: I was going to come to that, because the hon. Gentleman made that point earlier. He does not need to table a parliamentary question; I will write to him setting out in detail the underpinning logic and the way we have assembled the figures. I understand that it is important to make those clear.

The hon. Gentleman mentioned that my right hon. Friend the Secretary of State announced on 7 May 2009 that RAF Lyneham was no longer under consideration as a possible location for a consolidated support helicopter base under Project Belvedere. Our studies concluded that the proposal did not represent best value for money—specifically, that the efficiencies that could be achieved from a major rationalisation programme would not produce the necessary return, given the significant investment that would be required to implement the change.

It was therefore decided that to continue Project Belvedere did not represent best value for money for the Department, and the programme was closed. That means, and I know that the hon. Gentleman regrets it, that there will be no change at this stage to the current arrangements. At present, Chinook helicopters operated by the joint helicopter command are based at Royal Air Force Odiham; Apache helicopters are based at Wattisham station; Puma and Merlin helicopters are based at Royal Air Force Benson; the Lynx helicopter operates from Dishforth airfield; and the Commando helicopter force, comprising Sea King and Lynx helicopters, operates from the Royal Naval air station at Yeovilton.

On 15 December last year, the Secretary of State for Defence announced a package of enhancements to our future helicopter fleet, including the procurement of an additional 22 Chinooks to enhance the operational Chinook fleet. Those additional aircraft will be based at RAF Benson, as well as their existing base at RAF Odiham. Our future helicopter fleets will be based at existing rotary wing bases, which does not include RAF Lyneham. The position on RAF Lyneham therefore remains as announced on 4 July 2003 by the then Minister for the Armed Forces, my right hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow; following the move of the C130 fleet to Royal Air Force Brize Norton, and if no further defence use is identified for Royal Air Force Lyneham, the latter will be closed and disposed of.

Mr. Gray: Will the Minister answer a simple question? If Project Belvedere, which will bring all helicopters together in one place, does not work, and if not enough savings are made from that exercise to justify the upgrade to RAF Lyneham, how is it that Project CATARA, which will bring Lyneham and Brize Norton together at one base, will save £400 million or so over the next 10 years? How can the arithmetic of one not work whereas the arithmetic of the other can?

Bill Rammell: It is because they are different propositions. Some rationalisations work from a cost-benefit analysis point of view, and some do not. If one embarks on a course of action or a review and then, through further research, one sees that it will not fly financially, one does not go ahead with that proposition. That is the stage that we have reached. I realise that that is disappointing news for the people at RAF Lyneham and for the local community. Nevertheless, we will do everything that we possibly can to manage the draw-down sensitively, and I shall comment on that in detail later.

The decision to close RAF Lyneham was not taken lightly. The hon. Gentleman can rest assured that the review that was undertaken was comprehensive. He will recall that the review team briefed him and participated in meetings with local and regional authorities in order to ensure that all the issues could be identified and properly considered. The reality is that it is never easy

[Bill Rammell]

to close a unit, but we would be failing in our duty if we did not make the best use of taxpayers' money to meet our defence requirements. To put it bluntly, keeping a station that does not meet the defence need would be a waste of public money. I hope that the hon. Gentleman agrees with that proposition.

Recent enhancements to the air transport and support helicopter fleets do not change that position. Infrastructure enhancements at RAF Brize Norton are well under way, and will be sufficient to handle the current and planned air transport and air-to-air refuelling fleets. The hon. Gentleman raised a number of other concerns about the collocation of the air transport and the air-to-air refuelling fleets at RAF Brize Norton. I shall deal with those later. First, however, I shall respond to some of the specific points raised during the debate.

The hon. Member for North Wiltshire started by remarking on Mr. Choudary's proposed march at Wootton Bassett. I share his revulsion at the proposed demonstration. I hope and believe that such a march will not take place. It is disgusting and offensive, and I believe that there is virtually no public support for the town being used and abused in that way. I hope that that message is put across strongly and clearly.

The hon. Member for North Wiltshire, the hon. Member for Dunfermline and West Fife (Willie Rennie), who speaks for the Liberal Democrats, and the hon. Member for Aldershot (Mr. Howarth), the shadow Minister, all asked why we would not put off this difficult decision and wait for the strategic defence review. We need a strategic defence review, but I do not believe that such a review can or should be used as an excuse for putting off sensible decisions that are well under way. I say to the Opposition, I hope charitably—they are committed to reducing the public deficit faster than the Government, which at the very least will require an additional £26 billion of spending cuts—that they need more credibility in handling such matters given that, at every juncture, they are effectively calling for delays and further public expenditure. Their arguments simply do not wash.

Mr. Gray: The Minister is being most generous in giving way. He admits the main thrust of my remarks, which is that not closing RAF Lyneham will save an awful lot of money—the vast sums not needed to upgrade Brize Norton. Let us call a halt to the project. We could spend the money on the front line in Afghanistan, not waste it on silly projects.

Bill Rammell: I will come later to details of the costings, and I shall set them out in writing for the hon. Gentleman. There is of course a short-term cost, but in the longer term there will be a saving to the Exchequer, which is why we are pursuing this course of action.

Just before the debate started, the hon. Gentleman handed me a copy of a pamphlet—I have not yet had an opportunity to read it—that sets out his views and the detailed research that he has undertaken on RAF Lyneham. I shall read it and instruct my officials to consider it in detail, and I give the hon. Gentleman a commitment that I shall arrange a meeting to discuss it with him in as much detail as possible. However, I do not want to mislead anyone. I do not want to raise optimism among the people at RAF Lyneham; I genuinely believe that grounds for such optimism do not exist. I am not convinced that there is an alternative, or that we could reach one. Nevertheless, the hon. Gentleman has put a lot of work into the pamphlet and argued his case strongly today. I shall meet him at the earliest opportunity.

The hon. Gentleman and others spoke about the A400M. Let me be clear about it; there is no immediate air-lift shortfall on operations. The capability gap resulting from the delay after 2012 will be addressed through a package of measures to enhance the availability of the existing Hercules C130J, and through the procurement that we recently announced of a seventh UK C-17.

I heard what the hon. Member for Aldershot had to say in respect of the negotiations—that we should come clean about them. With respect, the Opposition would make such an argument; but if they were in government they would not reveal their negotiating hand in public while the negotiations were ongoing. It is important to say that we remain committed to the A400M, but not at any cost. We regard contract negotiations as the best means of determining the way forward. I believe that we can achieve a positive outcome, but the discussions are critical. It has to be said that newspaper articles by commercial contractors are placed for a purpose. They are designed to influence the negotiations. It is the Government's responsibility to get on with our partners in those negotiations, and that is what is happening.

The hon. Member for North Wiltshire also spoke of the remarks made by the Chief of the Air Staff. I welcome the fact that the hon. Gentleman corrected what he said. The Chief of the Air Staff said that a number of military or civilian airports might be used in the event of a diversion and that the decision as to which was to be used would depend upon a range of factors, including the weather, runway capacity and the ability to handle large aircraft. The hon. Gentleman rightly corrected himself, saying that Bournemouth was only one example.

The hon. Gentleman also mentioned safety. That was considered in detail by the review team. It considered the crisis operational requirements and concluded that there was no strategic reason why the aircraft could not be based at one main operating base. The degree of risk was considered acceptable, given the move towards expeditionary rather than home-base fighting. It found that historical weather data indicated a minimal risk of lengthy weather disruptions, and that both airfields and airspace capacity could cope with the aircraft numbers involved.

The hon. Gentleman asked detailed questions about the costs. As I said, I shall respond in writing. However, in broad-brush terms, the recent programme review concluded that total programme costs of £203 million had been identified against financial benefits of £437 million. The hon. Gentleman referred specifically to forecast costs. They include £10 million for an environmental clean-up. The exact costs are dependent on the conclusion of the ongoing land-quality assessment, which must take place before we can finalise the details.

The hon. Member for Dunfermline and West Fife asked about the implications of the US pulling out of RAF Fairford. We must be clear that RAF Fairford is unlikely to be a suitable diversion airfield because its facilities for handling large passenger aircraft are inadequate. Moreover, I do not think that it affects the overall viability of our proposition.

I listened with interest and in detail to the hon. Member for Aldershot as he responded to the case put forward by the hon. Member for North Wiltshire. He said that the argument had been extremely compelling, and that he feared that certain consequences would take place. He said that there were risks involved and that his hon. Friend had made a very strong case. What a detailed reading of *Hansard* will make of that response is that there was a complete absence of active verbs and commitments as to what the Conservative party would do differently from the Government in respect of RAF Lyneham, apart from delaying the decision, which would recreate uncertainty about the way forward. I have no doubt that if we were to put the matter back into a strategic defence review, the outcome would be the same decision as the one that we are pursuing at the moment.

Mr. Gerald Howarth: We have not had a strategic defence review since 1998, and there is a widespread belief that the current review was prompted by our decision to hold a review, and that it should have been undertaken a lot earlier than it has been, which would have resolved this uncertainty much earlier. It is the Government's own fault; it is pointless to blame the Opposition.

Bill Rammell: We had always planned to hold a strategic defence review; we announced it of our own volition. I listened with care to what the hon. Member for Aldershot said, and I am sure that the constituents of the hon. Member for North Wiltshire will similarly look at the detail of what he said. I had no sense that there was an active proposal by the Opposition to do differently to that which we are doing in government, apart from putting the decision into a strategic defence review, the outcome of which will be the same decision that we are pursuing.

The hon. Member for Aldershot raised an important point about the operational trial. I do not believe that he has been given the wrong information, but given that he raised it with me today I will immediately check the details and write to him in the next week to set the record straight.

As for the issue of jobs and the local economy, I am concerned about the impact on more than 3,000 people—around 2,500 service personnel and around 600 civilians, including contractors—working at and in support of the station. We have identified manpower savings of 251 RAF posts and 125 civil service posts through the amalgamation of RAF Lyneham and RAF Brize Norton. RAF personnel from the station will be posted to RAF Brize Norton and other RAF stations as operational and manpower requirements dictate. As far as possible, Ministry of Defence civilian personnel reduction will be achieved through natural wastage or by finding alternative employment for staff. We have been consulting with the trade unions throughout the review, and a formal period of consultation has now been completed.

I understand that the decision to close RAF Lyneham is disappointing news for the dedicated military and civilian personnel who work there, and who have done such excellent work to support operations over many years. I recognise, too, the disappointment that will be felt in the local community. The impact on the local economy was not overlooked in the review; it was and is an important consideration, and we will work with all the relevant agencies to ensure that the impact of the closure is minimised.

Airspace considerations, which the hon. Member for North Wiltshire raised, formed part of the strategic review that underpinned the original decision to collocate air transport and air refuelling assets at RAF Brize Norton. I can assure the hon. Gentleman that while there are no airspace implications that would have precluded the move, we continue to assess the implications of the expansion of RAF Brize Norton to ensure that the best use is made of the available airspace.

The hon. Gentleman also raised the issue of infrastructure capacity. Infrastructure enhancements to support the post relocation and future fleets at RAF Brize Norton are well in hand, and the necessary development will continue over the next three years. One of the key infrastructure projects is the expansion of the aircraft parking area, which will substantially increase the ability of Brize Norton to handle increased numbers of aircraft at the same time. It will enable the transfer of the C-130J capability from RAF Lyneham and will support the introduction of both the A400M and the future strategic tanker aircraft. Out of a maximum total of 70 aircraft that will be based at Brize Norton once the new fleets are introduced, a significant number will be deployed at any one time to support current or future operations, take part in routine training activity, or undergo maintenance away from the station. We assess that the expanded aircraft parking area and other improvements will be sufficient to cope with the demands of the future fleets that will be based at the station.

The Programme Future Brize aims to provide a future strategic and tactical air transport and air-to-air refuelling base and airport of embarkation that delivers excellence in rapid global mobility and offers greater capacity, flexibility and efficiency than current arrangements. A significant number of key benefits will flow from the programme, including reduced costs and manpower liability, greater airport of embarkation capacity following the development of the freight handling facility at Brize Norton, improved training through the development of a C-130J training mission rehearsal facility, which will be expanded in the future to incorporate collective training facilities for the A400M force, along with the development of other training facilities at RAF Brize Norton.

The hon. Gentleman also referred to the issue of terrorist threats. Careful consideration to the potential risks involved was given when coming to the decision to base all air transport and air-to-air refuelling assets at RAF Brize Norton. It was decided that there was no strategic reason why all the aircraft could not be based at one station. It is highly unlikely that any attack could compromise the ability to operate the fleets based at Brize Norton. For example, the length of the runway at Brize Norton is such that it is unlikely that it would be damaged to such an extent that it would be impossible to use.

The issue of diversions was also raised. If RAF Brize Norton were to become unavailable for any reason, there are a number of suitable airfields to which aircraft could be diverted or from which they could operate.

[Bill Rammell]

The capital cost of relocating the RAF C-130 Hercules fleet from RAF Lyneham to RAF Brize Norton is currently estimated to be some £60 million. That sum should be fully offset by the savings in running costs within the first four years. As I said earlier, I will write to the hon. Gentleman with further details.

Both the hon. Gentleman and I commented earlier on Wootton Bassett and the issue of repatriation. I wish to pay tribute to the people of Wootton Bassett, whose dignified and respectful tribute to those killed in operations has so amply and poignantly demonstrated the debt that we all owe to those who lose their life in active service. I can assure the hon. Gentleman that repatriations will continue to be held at RAF Lyneham until August 2011, when, on current plans, they will transfer to RAF Brize Norton. Appropriate facilities to support bereaved families and the dignity of the repatriation ceremony are to be provided as part of the overall development of that station.

In conclusion, despite the very significant increase in the defence budget since 1997, the pressures on our finances are acute. Operations in Afghanistan are our main effort and must take priority. The package of measures announced by my right hon. Friend the Secretary of State before Christmas reflected that priority, including the decision to procure the additional Chinooks and the seventh C17. That makes it all the more crucial that we gain best value for defence in the way in which we use our defence estate. That means that sometimes tough choices have to be made and that will have an impact at a local level. I recognise that this is a difficult decision, and I pay tribute to the hon. Gentleman for the way in which he has argued his case. I genuinely do not believe that there is an alternative way forward. Nevertheless, given what he has proposed today, I will happily arrange to meet him in the next few weeks, but I do not want to mislead people: I am not convinced that there is an alternative way forward.

Maidstone East Line

11 am

Sir John Stanley (Tonbridge and Malling) (Con): Almost exactly four years ago, on 14 December 2005, I initiated a debate in this House on the integrated Kent rail franchise, which had just been awarded to Govia and its rail subsidiary, Southeastern. In my contribution to that debate, I referred to the substantial growth along the Maidstone East line that was taking place, not least in the mini-new town of Kings Hill in my constituency, where it was estimated that some 20,000 people would be living and working by the end of the franchise period, which was six to eight years in length. We are now more than halfway through that franchise period and in my remarks in December 2005, I said:

> "That clearly necessitates significant improvement and growth in rail services. Sadly, we are starting from a base in which rail services are clearly inadequate to meet demand."—[*Official Report*, 14 December 2005; Vol. 440, c. 1410.]

That was four years ago and where are we now? The rail services on the Maidstone East line into the city stations in London have continued to be inadequate throughout that four-year period. In fact, what was inadequate has now become disastrous, if not catastrophic, as a result of last month's decision by the Minister who is here today to axe the services on the Maidstone East line into Cannon Street, Charing Cross and London Bridge. I wonder if the Minister really appreciates the truly devastating impact of his decision on the lives of hundreds, if not thousands, of individuals. They are facing significantly increased journey times, way in excess of the increased journey times that the Minister referred to in his letter to me on 27 November 2009, which I will come to in a moment. Those individuals are facing increased travel costs that run into hundreds of pounds a year and they are facing increased stress and hassle.

As the Minister must surely know, Victoria is the most congested rail terminus in London. It is a station where access to the underground quite regularly has to be closed because there are too many people already standing on the underground platforms. Surely it is madness to take decisions that will send hundreds, if not thousands, more people into Victoria station, which in the peak periods already cannot cope with the level of demand to use it.

Mr. Harold Sim, my constituent, wrote to me, telling me that his journey home, as he now must use Victoria station rather than Cannon Street station, can take up to an hour longer and is costing him more than £350 a year. Another constituent, Mr. Keely Oliver, wrote to me as follows, "Not only has my journey time been increased by 45mins per day/3.45hrs a week but I have to pay £600 more a year." Another constituent, Mr. Phil Brooks, tells me that because of his increased journey time his child care arrangements have been completely upset and he is now having to ask his mother and his father-in-law to pick up his children four days a week, because of the delays that he faces in returning home. My constituent, Mr. Jamie Gardiner, wrote to me, saying, "My quality of life has been reduced to the point that we are now selling our house in King's Hill". So the Minister's decision is leading directly to people being forced to sell up their homes.

That is the real impact on the constituents that I represent and also on those constituents who are represented by my right hon. Friend the Member for Maidstone and

The Weald (Miss Widdecombe), my hon. Friend the Member for Faversham and Mid-Kent (Hugh Robertson) and the Under-Secretary of State for Work and Pensions, the hon. Member for Chatham and Aylesford (Jonathan Shaw). As the Minister knows, all of us were signatories to our joint letter to him on 14 August last year, enclosing the submissions that we had received from the Maidstone and Malling rail users associations; the local authorities, including Kent county council, Maidstone borough council and Tonbridge & Malling borough council; the firm Liberty, which is a joint developer with the Kent County council at King's Hill, and other key parties. We concluded that letter by saying to the Minister:

> "It is quite clear to us that the material in these submissions taken as a whole makes a totally conclusive case for the retention of the rail services to Cannon Street, Charing Cross and London Bridge on the Maidstone East line."

To bring home to the Minister the devastating impact of these cuts on the lives of so many people in the Malling, Maidstone and mid-Kent area, I shall tell him what the equivalent treatment would be of individuals in the town of Ipswich, which he represents here in Parliament, if he dealt with his own constituents in the same way. The action by a rail Minister that would be equivalent to what he has exposed my constituents and people in the neighbouring constituencies of my right hon. and hon. Friends to would be for that rail Minister to say, "I am not going to take a blind bit of notice of the representations that you have put to me, I am not going to take a blind bit of notice of the exhaustive demand information that has been submitted to you, including by the rail travellers associations. Notwithstanding that, I am now going to axe all the rail services into Liverpool Street station and instead you will be obliged to get out of the train in Paddington station." That would be the impact on the Minister's constituents in Ipswich that would be equivalent to what he has inflicted upon my own constituents. He will not be surprised to know that my constituents are hopping mad and, frankly, so am I. The decision to axe these crucial rail services is thoroughly bad and thoroughly irresponsible. Frankly, it also makes complete nonsense of the Government's housing and planning policies for the whole of the Maidstone, Malling and mid-Kent area.

I have sought the intervention of the Secretary of State for Communities and Local Government, the right hon. Member for Southampton, Itchen (Mr. Denham) and I must say that I have been surprised and amazed that he has chosen to stand aside while his own Department's housing and planning policies for our area are effectively being torn up by the Department for Transport.

The Minister has quite recently received a fresh submission from the planning director of the Tonbridge & Malling borough council, Mr. Steve Humphrey. In the letter that Mr. Humphrey sent to the Minister on 17 December 2009, he said this:

> "I believe we now have a flawed and ultimately disastrous outcome that will have seriously adverse effects on the proper planning and regeneration of mid and west Kent and a backward step in terms of sustainable transport."

Coming from a very professional and, of course, politically wholly independent senior planning officer, that is indeed a very serious indictment of the Minister's decision.

That decision might have been slightly better received—it would not have been accepted, but it might have been slightly better received—if the Minister had managed to come up with a more remotely credible and accurate justification for it than he managed to come up with in his letter to me on 27 November 2009. In that letter, he said that these cuts will only affect some 200 to 300 people in the peak periods. Frankly, that is a grotesque understatement of the real demand, which was demonstrated by the demand surveys that were carried out by the Maidstone and Malling rail travellers associations and submitted to him in August 2009. On the issue of the numbers of people using the Maidstone East line into the city, my constituent Mr. Martin Tripp, wrote to me as follows:

> "On Friday 11th December, the final day of the City services, myself and a colleague caught every train to and from West Malling (barring one) to make a final count of the users and to hand out leaflets. We handed out 1,000 leaflets and counted 1,213 journeys being made on these trains (despite missing one train and having incomplete counts on three)—a rather significant increase from the 200 to 300 quoted in Chris Mole's letter."

Of course, the figure of 1,213 for a single day includes only those on the West Malling to City trains and takes no account of the hundreds more living in the area who were already railheading, or driving to other stations all over west Kent and, in some cases, south-east London, in order to get a better rail service into the City stations. That number will increase further as a result of the Minister's axing of City services on the Maidstone East line.

The Minister says that Maidstone and Malling rail commuters face a "journey time disbenefit" of 15 to 30 minutes as a result of the cuts. I do not know who in the Department for Transport thought up the phrase "journey time disbenefit", but whoever it was deserves an alpha for euphemism and a delta for accuracy. The crucial factor is not time spent station to station but time spent station to office, which is a quite different figure. It is clear from the many representations that I have received from my constituents that the Minister's decision to make the cuts is obliging people to spend up to two hours each day, and even more in one or two cases, making their journeys to and from work.

The Minister says that it would cost an additional £637,000 in annual subsidy to keep the City services going, and claims that he cannot find that sum after April 2010. I must point out that that additional subsidy arises for only one reason: the Government misjudged—that is the politest word that I can use—in deciding to allow Southeastern Trains to axe those services at a time when growth in the area was taking place at a considerable rate. As a result of that decision to allow Southeastern to axe the services in its franchise contract under the integrated Kent franchise, the Government are effectively being held to ransom by Southeastern for the £637,000. The Government claim that they cannot find the money. I will leave aside the fact that they had no difficulty finding billions to give the banks; taking into account the money and the financial relationship between the Department and Southeastern, it is clear that the Government could find the money if they wished.

Look at what is happening to the question of subsidy under the integrated Kent franchise contract. Charles Horton, the managing director of Southeastern, said to me in a letter of 23 July 2008:

> "With regard to subsidy, that given to Southeastern started at £139.9 million in year one and will decline to £24.7 million in year seven. In year eight, we will be expected to pay a premium of £9.3 million to the DfT to operate the franchise."

[Sir John Stanley]

With such an enormous turnaround in annual subsidy in the Department's favour—from a negative outflow of £139.9 million in year one to a positive cash inflow of £9.3 million in year eight—the Department is making a cash gain well in excess of £200 million over the lifetime of the franchise. For the Minister to say that he cannot find £637,000 is ridiculous. He is acting like the multi-millionaire who says that he cannot afford a fiver. In light of the subsidy situation, the Government's statement that they cannot find the £637,000 required has no credibility with my constituents.

In an excellent letter to the Minister of 8 December, Ms Laura Cloke and Mr. Felipe Alviar-Baquero, the chairpersons of the Maidstone Area Rail Users Association and the Malling and District Rail Travellers Association, say:

> "Your decision to axe the services into Cannon Street and London Bridge from Maidstone East and Malling is shameful and it has serious consequences for thousands of people that live in the area. Moreover, the area will suffer and it is likely that business cease to invest and leave, house prices fall and people lose jobs."

I agree entirely with that analysis.

My fellow MPs from mid-Kent and Maidstone and I urge the Minister in the strongest terms to reconsider and reverse his decision. If he declines to do so, I can say with the utmost clarity that should I be returned in the general election in a few months' time, I shall once again beat a path to the door of the rail Minister, whoever he or she is, early in the next Parliament to urge most determinedly the restoration of City services on the Maidstone East line.

11.16 am

The Parliamentary Under-Secretary of State for Transport (Chris Mole): I congratulate the right hon. Member for Tonbridge and Malling (Sir John Stanley) on securing this debate on rail services to and from the Maidstone area. If I am unable to deal with all the issues that he raised, I will ensure that I write to him further.

The current timetable started on 13 December 2009 and represents the biggest change to train services in the area for more than 50 years. The timetable offers an integrated mainline, metro and high-speed service across Kent, south-east London and East Sussex and provides more choice to people visiting, living in or working in the area. The timetable was developed after several years' extensive research and feedback from stakeholders and the public. In 2003 and 2004, public consultations were held to determine what minimum service level would be required to meet current and future demand in the region. The principles of the timetable are set out in the Department's service level commitment, which forms part of Southeastern's franchise agreement.

The franchise was awarded to Southeastern in 2006. Since then, Southeastern has undertaken further extensive consultation with local stakeholders while developing the detailed timetable required to meet the specification. Southeastern has also undertaken extensive market research into travel patterns and preferences across its network. The study considered current and future demand for services.

The consultation in 2003 and 2004 proposed to withdraw the Ashford to London Bridge and Cannon Street via Maidstone East services as part of the December 2009 timetable. Those trains were lightly loaded, relative to other services, and it was felt that the December 2009 timetable offered suitable alternative journey opportunities for people in the area.

Historically, the line serving Maidstone East and East and West Malling stations did not have the same frequency of service as the two main lines running through Chatham and Tonbridge. The Maidstone East line has suffered from poor geographical layout and what has been described as an accident of history. In the 1840s, the landowners and MPs of Maidstone objected so strongly to the railway going through their town and park land that the Bill to build the London-Dover mainline was amended to serve Dover from a junction at Redhill on the Brighton line via Tonbridge. When the railways were finally built to Maidstone, they took a circuitous route and joined up other existing routes as a secondary line.

During the late 1980s, when the high-speed route for the channel tunnel rail link was being selected, it was proposed not to have a station at Ebbsfleet, but to have a Maidstone and Medway Parkway station in the Nashenden valley, adjacent to the A229. That was opposed strongly by local stakeholders because it would encourage development and threaten to close the green belt gap between Maidstone and Medway. At that time, the regeneration of east London was taking place and the idea of the Thames Gateway was forming. Ebbsfleet became the logical alternative to aid the development of brownfield sites. Had the original plans gone ahead, Maidstone would now be about 25 minutes from London and would have an international station.

Although some people who live in and around Maidstone choose to use the Maidstone East line to travel to Whitehall and the west end, those who travel to the City and Charing Cross generally choose to drive to stations at Headcorn, Tonbridge, Sevenoaks or along the M20 corridor as far as Orpington. Kent has three parallel routes that offer a great deal of choice for commuters. It takes only a short drive to access them on a less congested road network than the routes into or out of Maidstone. The appeal to commuters of using those roads is another factor behind the relatively low demand for services on the Maidstone East line.

It is important to set out exactly what services there are for customers travelling from Maidstone and Malling to London.

Sir John Stanley: Does the Minister agree that it is important to focus on the present and the future rather than on history? Will he acknowledge that there is major growth at Kings Hill and across the Maidstone area that must be accommodated? Does he agree that it is highly undesirable and not in accordance with Government policy to force people to travel all over Kent and into south London to get to a railhead? Quite apart from the cost to the individual, it is infinitely better for the environment for people to commute from stations near their homes.

Chris Mole: I hope to cover those points generally in my speech. One would hope that sustainable development is in place to meet local demand, not just to provide a dormitory function for the city.

It is important to set out what services there are. There are two trains an hour to and from London Victoria. London Victoria offers a multi-modal interchange with underground and bus services for customers who are continuing their journeys. Additionally, all trains call at Bromley South station, which offers a cross-platform interchange with trains that serve London Blackfriars, City Thameslink, Farringdon and the Thameslink St. Pancras International station. There is no additional cost to people who travel to City Thameslink or London Blackfriars, which the right hon. Gentleman said some of his constituents face. The stations offer excellent connections to the City on foot, by bus and by underground.

During the detailed development work on the December 2009 timetable, it became clear that there was local opposition to the proposed withdrawal of services between Ashford and Cannon Street via Maidstone East. On 30 June 2009, I met the right hon. Gentleman and others to discuss the withdrawal of those services from December 2009. It was agreed that the local rail users groups would prepare a submission to support their case to reinstate the trains from Maidstone and Malling to London Bridge and Cannon Street that the December 2009 timetable proposed to withdraw. That report was submitted to me on 14 August 2009. It asserted that no services between Maidstone and London Bridge and Cannon Street should be withdrawn.

The submission had significant drawbacks. First, the passenger counts did not cover all trains and did not specify where people joined and alighted from the trains, so the figures did not help to improve our understanding of the demand for the services. The most accurate demand figures that we have were sent to the right hon. Gentleman by Southeastern's managing director in June 2007. Secondly, the report aimed to demonstrate the level of concealed demand for services to and from Maidstone and Malling, but did not achieve that objective. The report itself noted that it was not representative. Therefore, I did not consider that it gave a credible view of whether there was concealed demand for services.

On 27 November 2009, I wrote to the right hon. Gentleman and others explaining that I had decided not to reinstate the services. There were three key reasons behind my decision. First, there was no business case to retain off-peak services because passenger numbers were very low and some of the passengers, particularly those starting from Ashford, were accommodated on services to London Bridge and Cannon Street that do not operate via Maidstone East. Secondly, to reinstate the peak services would require an additional annual subsidy of £637,000, and it was not possible to identify sufficient funds for those services in the Department's resources. Thirdly, between 20 and 50 per cent. of the people who use all of the services board and alight the trains at Ashford.

Sir John Stanley *rose—*

Mr. George Howarth (in the Chair): Order. I remind the right hon. Gentleman that interventions should be brief and to the point.

Sir John Stanley: I am grateful to the Minister for giving way again. Does he agree that the figures that I quoted, showing that the Department is making a cash gain of well in excess of £200 million from the franchise as a result of the change to the subsidy arrangements with Southeastern, are correct?

Chris Mole: The Department looks at its budget for the support of rail services as a whole, not on the basis of individual franchises. I can therefore tell him only what the position is as a whole.

Customers travelling from Maidstone and Malling to the City have two options. They can take the train to London Victoria and use the underground to reach a suitable station in the City, or they can change at Bromley South for services to London Blackfriars—I accept that that means that the journey will take slightly longer. My letter to the right hon. Gentleman of 27 November stated that the additional journey time would usually be between 15 and 30 minutes on each trip, but clearly individual circumstances will vary. The generalised journey times demonstrated by Transport for London's journey planning tools bear those figures out. If people really do wish to travel to and from London quicker than the services from Maidstone and Malling allow, other reasonable options are available.

London Victoria is a busy station and Transport for London has developed plans to improve it. However, it provides a range of interchange opportunities for passengers. Approximately 70,000 people use Victoria underground station during peak hours and it is anticipated that a further 200 to 300 people will need to use it as a result of the December 2009 timetable change.

I note the right hon. Gentleman's assertion that higher numbers of passengers have been counted on some trains by users. However, the 200 to 300 people refers to those who board and alight in Maidstone and Malling. The total numbers include people travelling to and from Ashford, who have a different journey option. As I said, people who do not wish to use the underground can take advantage of the cross-platform connection at Bromley South.

It has been suggested that withdrawing the services might adversely affect the local economy. We have not seen evidence that there will be any detriment to the local economy as a direct result of the services being withdrawn. I reiterate that independent market research confirmed that withdrawing the services would be the correct decision because there is insufficient demand to make their continuation cost-effective.

It has been argued that removing the services will force people to drive to other stations to reduce their commuting time. Nobody is being forced to drive away from where they live to make a rail journey between Maidstone or Malling and London. Southeastern offers a wide variety of services to different destinations. It is inevitable that people will make the individual journey choice that suits them best. Southeastern's network serves seven London terminal stations, in contrast to the situation that the right hon. Gentleman described with my rail service. That makes it the best connected commuter network in the UK. Most commuter operators serve only one or two terminal stations.

The December 2009 timetable seeks to make the best use of the rail network in Kent and delivers wider benefits to communities across the network. It delivers new high-speed services that provide significantly faster journey times for towns such as Dover, Folkestone, Ashford, Canterbury, Ramsgate, Gravesend and Chatham. It also provides new capacity and journey opportunities for the wider area. The timetable delivers benefits to west Kent with additional capacity at Sevenoaks, Tonbridge and Tunbridge Wells, which result from the freeing-up

[Chris Mole]

of seats and the introduction of the high-speed service. The timetable delivers capacity improvements to the Medway towns for the same reasons.

Looking ahead, the rail industry's route utilisation strategy for Kent proposes many improvements. It proposes the improvement of signalling and track between Faversham and Ramsgate. It suggests an improvement in capacity across the network by allowing platforms to take longer trains. For the Maidstone East line, that will mean ensuring that all stations can take trains with up to eight coaches. In addition to existing services to and from London Victoria, it is proposed that Thameslink services run directly to and from the Maidstone East line as part of the longer term Thameslink programme. That will ensure that there is a direct service to and from the Maidstone East line that serves London Blackfriars, City Thameslink, Farringdon and St. Pancras International.

I believe that the December 2009 timetable offers people in the Maidstone and Malling area a good choice of destinations in London. It is worth noting that that choice is greater than that offered to customers by most rail companies. A change of this type must be reviewed to ensure that all objectives have been achieved. Therefore, the Department has agreed with Southeastern that there will be a full review of the timetable early in 2010. That will include, but will not be limited to, monitoring loadings, performance and connectivity, and reviewing the success of the overall implementation. If the review highlights areas where the implementation has not been as successful as anticipated, the Department and Southeastern will consider carefully what to do.

11.30 am

Sitting suspended.

Immigration Control

[MR. JOHN CUMMINGS *in the Chair*]

2.30 pm

Mr. Philip Hollobone (Kettering) (Con): I thank Mr. Speaker for giving me permission to hold this debate today. I welcome the Minister—I very much appreciate the contact from his office prior to today—and the Conservative and Liberal Democrat Front Benchers to the debate. I also welcome my hon. Friends on the Back Benches.

Immigration is the most important issue for my constituents. I get more complaints, comments and suggestions about immigration than about anything else. In the Kettering constituency, the number of immigrants is actually very low. There is a well-settled Sikh community in the middle of Kettering town itself, which has been in Kettering for some 40 or 50 years and is very much part of the local community and of the fabric of local life. There are other very small migrant groups in my constituency, but it is predominantly made up of indigenous British people. However, there is huge concern among my constituents about the level of immigration into our country.

I believe that I am right in saying that, in recent years, net immigration into the United Kingdom is the largest wave of immigration that our country has ever known and, proportionately, is probably the biggest wave of immigration since the Norman conquest. My contention is that our country simply cannot cope with immigration on that scale—to coin a phrase, we simply cannot go on like this.

It is about time that mainstream politicians started airing the views of their constituents, because for too long people have muttered under their breath that they are concerned about immigration. They have been frightened to speak out about it because they are frightened of being accused of being racist. My contention is that immigration is not a racist issue; it is a question of numbers. I personally could not care tuppence about the ethnicity of the immigrants concerned, the colour of their skin or the language that they speak. What I am concerned about is the very large numbers of new arrivals to our country. My contention is that the United Kingdom simply cannot cope with them.

Mr. Stewart Jackson (Peterborough) (Con): I congratulate my hon. Friend on securing this important debate. Like me, will he pay tribute to the former Archbishop of Canterbury, Lord Carey, who has had the courage to make the point and elucidate clearly today that dealing with immigration in an honest, straightforward and reasonable way is not just a political but a moral imperative for the political parties in this country?

Mr. Hollobone: I am most grateful for the helpful contribution from my hon. Friend who, as always, is speaking up for the genuine concerns of his constituents. As usual, he has hit the nail on the head. I am delighted that today the cross-party group on balanced migration has published a clear declaration stating that the UK's population must be stopped from rising to 70 million people. I have signed up to that pledge today, and I invite all hon. Members in this Chamber to do likewise, because my view and that of the cross-party group is that the UK cannot cope with a population of 70 million.

Mr. Andrew Turner (Isle of Wight) (Con): Will my hon. Friend assist us by saying what the current level of migration and residence in this country is compared with the 70 million that it is planned to rise to? When are we expected to reach that figure of 70 million?

Mr. Hollobone: I am most grateful for that helpful contribution from my hon. Friend, who is a fastidious champion of his constituents' interests; they are also concerned about the level of immigration into this country. I hope that the Minister will be able to give us the official statistics during his remarks, but my understanding is that the United Kingdom's population is currently some 61 million. Net immigration is about 160,000 or 170,000 a year. Unless that is cut by 75 per cent., we will not be able to prevent the UK's population from rising to 70 million by 2029. That would be the biggest population our country has ever had. Indeed, we already have the biggest population that our country has ever experienced. We are the most crowded country in Europe, apart from Malta, and one of the most crowded countries in the world, yet a further 9 million people are scheduled to arrive on our shores within the next 20 years.

Lorely Burt (Solihull) (LD): Will the hon. Gentleman give way?

Philip Davies (Shipley) (Con) *rose—*

Mr. Stewart Jackson: Is it not a sad indictment of this country's political system that the reason why we have not been able to have an honest and accurate debate on immigration is that the party in government for the past 13 years has deliberately and systematically smeared those who have raised immigration as an issue? Incidentally, that has had an impact on people who are not well off—for example, those who live in social housing in places such as Barking and Dagenham. There should have been a legitimate cross-party debate precisely to stop the rise of people such as those in the British National party who exploit people's fears. The Government have not done that. They have chosen to smear their opponents, principally the Conservative party and particularly my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard).

Mr. Hollobone: I am most grateful for that contribution. I will certainly take interventions from my hon. Friend the Member for Shipley (Philip Davies) and the hon. Member for Solihull (Lorely Burt), but first I want to address the point made by my hon. Friend the Member for Peterborough (Mr. Jackson). The cross-party group on balanced migration recognises that point entirely and has stated in a press release issued today:

> "We are convinced that failure to take action would be seriously damaging to the future harmony of our society. Nearly a million votes by our fellow citizens for an extremist party amount to a danger sign which must not be ignored. For too long the major political parties have failed to address these issues and the intense, if largely private, concern that they generate throughout our country. If politicians want to rebuild the public's trust in the political system, they cannot continue to ignore this issue which matters so much to so many people. The time has come for action."

In responding to my hon. Friend, most unusually for me, I also want to pray in aid the Prime Minister. In November, in a speech on immigration, the Prime Minister said:

> "I have never agreed with the lazy elitism that dismisses immigration as an issue, or portrays anyone who has concerns about immigration as a racist. Immigration is not an issue for fringe parties nor a taboo subject - it is a question to be dealt with at the heart of our politics, a question about what it means to be British."

Philip Davies: I would certainly like to congratulate my hon. Friend on once again raising an issue that is hugely important to not just his and my constituents, but people right across the country. Returning to his theme of how we are an overcrowded nation already, would he like to comment on the fact that when the Government launched the ambitious house building target of 3 million by 2020—it seems that target will be missed anyway—they said by their own admission that 1 million new homes out of those 3 million will be needed for future immigration into this country? Does that alone not highlight how unsustainable the level of immigration into this country is and its effect on infrastructure and public services?

Mr. Hollobone: As usual, my hon. Friend is spot on. That is a real concern for my constituents in Kettering, because under the Government's house building plans, the number of dwellings in the borough of Kettering are due to increase by one third by 2021. I am not saying that one third of the new houses in Kettering will be occupied by immigrants, but such net immigration into our country inevitably means that a large number of the new houses built will be occupied by new arrivals. In some places that number will be very large and in others it will be very small. The latest figures from the excellent organisation, Migrationwatch UK, show that the Government's most recent household projections indicate that immigration will account for 39 per cent. of all new households in the next 20 years.

Lorely Burt: I congratulate the hon. Gentleman on securing the debate and do not want to belittle what he is saying, because people are saying exactly the same thing to me on the doorsteps in Solihull. On his point about population density in the UK compared to other countries, other northern European countries have a greater population density than ours, such as the Netherlands and Denmark. However, we need to take account of people's perception that this is an overcrowded island and that we cannot fit anyone else, which I hear all the time on the doorsteps. That is more to do with how we perceive our population and its density. Does he agree that many of the problems relating to lack of resources are the result of the Government's misguided lack of planning for immigrant populations when they come to this country?

Mr. Hollobone: I am grateful for that helpful contribution—*[Interruption.]* There is quite a lot of sedentary chuntering from the Government Front Bench. The Minister is welcome to intervene at any time.

The Minister for Borders and Immigration (Mr. Phil Woolas): The hon. Member for Solihull (Lorely Burt) made an important point. The Migrationwatch UK press release that the hon. Gentleman mentioned cleverly refers to England, rather than to the UK.

Mr. Hollobone: If the Minister would like to provide statistics for the UK, he is more than welcome to do so.

Mr. Woolas: For the UK, rather than England, the hon. Gentleman will find that his proposition is false.

Mr. Hollobone: The Minister has the statistics, so if he would like to furnish Members with that information, I am sure that we would all be most grateful, but all my constituents actually live in England, so that is what they are concerned about—*[Interruption.]*

John Cummings (in the Chair): Order. Behave yourselves and we will get through the debate.

Mr. Woolas: I am grateful to you, Mr. Cummings, because this is a good debate on an important matter. The serious point is that the propaganda that is put out refers to the population density in England and compares that with other EU nation states. I simply point out, as did the hon. Member for Solihull, that the figures are different for the UK and provide a fairer comparison.

Mr. Hollobone: I am sure that that is right, but the fact is that, whether we are talking about the UK or England, we are still one of the most crowded countries in Europe and the world. Whether we are a couple of places below or above Denmark, Holland or Malta is of no particular consequence to my constituents or, I suggest, the Minister's. What people in this country do know is that we are already far too crowded and that we are likely to have 9 million more people in our country by 2029, unless his Government change their policy or, I hope, my Government do so.

Mr. Woolas: The hon. Gentleman is asserting that the population will be 70 million by 2030. How much of that figure is built on the extrapolation of the net migration of recent years, and how much is based on the extrapolation of birth and death rates?

Mr. Hollobone: The statistics are not mine. They come from the independent Office for National Statistics. I suggest that the Government need to take them far more seriously than they have heretofore.

Tom Brake (Carshalton and Wallington) (LD): On the figure of 70 million, does the hon. Gentleman think that that should never be surpassed, and if so, what would he do if, for instance, there was a sudden spurt in births among the indigenous population that leads to the overall population rising above 70 million?

Mr. Hollobone: That is a perfectly legitimate question, which I am grateful for. The answer to the hon. Gentleman's point and to that of the chuntering Minister is that 70 per cent. of that increase in population, according to the ONS, is due to—

Mr. Woolas: Will the hon. Gentleman give way?

Mr. Hollobone: I will do so when I have finished answering the previous intervention. The answer is that 70 per cent. of that increase is due to immigration, so effective measures could be taken to reduce immigration before we reach the situation, highlighted by the hon. Member for Carshalton and Wallington (Tom Brake), in which the population passes 70 million.

Mr. Woolas: I am grateful to the hon. Gentleman for giving way, because that is an important point, and we all agree that the far right is a problem. The figures show that 45 per cent. of the extrapolated population increase, which is based on figures for 2006-08 and includes net migration from the EU accession countries such as Poland—it is an extrapolation and not a forecast, as the ONS states—will have been the result of migration, not the 70 per cent. that he has stated. The figure he referred to is actually 65 per cent., which is what the ONS describes as the indirect implication of net migration, meaning the sons and daughters of immigrants and their sons and daughters. So the figure is 45 per cent. Furthermore, as that is an extrapolation and not a forecast, the result of the fall from 233,000 to 163,000 in net migration, because of the Polish people who did not come to this country, is that the fear of 70 million that he mentioned is not founded on the statistics.

Mr. Hollobone: If my fear is not founded on the statistics, the Minister will have no problem signing up to a manifesto pledge that the UK's population will not reach 70 million by 2029.

Mr. Woolas: When I was appointed to this job, I gave an interview to *The Times* in which I said that I could assure the people of this country that the population, as a result of migration policies, would not reach 70 million.

Mr. Hollobone: That is great, so the Minister can sign up to that pledge tomorrow. I think that he is playing with statistics, because as far as my constituents are concerned, whether the increase in population is due to new arrivals each year or to their children after they have arrived in the country are related issues—*[Interruption.]*

John Cummings (in the Chair): Order.

Mr. Hollobone: The Minister is trying to get away with saying that once immigrants are here the increase in population is not due to net immigration, and that is playing with words in a way my constituents would not appreciate. I do not know why he is looking so pleased with himself.

Mr. Woolas: That is because we have exposed the hon. Gentleman's policy. If he is saying that that is indirect net population—the result of previous immigration—there are two questions he must answer. First, what is he going to do about it? Is his policy to stop the previous immigrants to the country having children? Secondly, will he say that the net population increase is a function not just of immigration, present and past, but, as the hon. Member for Carshalton and Wallington (Tom Brake) said, of the birth and death rate? What will he do about it?

Mr. Hollobone: To repeat my answer to the Minister's point, net immigration from this point on needs to be cut by 75 per cent.

Mr. Woolas: In which case the hon. Gentleman must concede that his 70 per cent. figure—it is in fact 65 per cent.—is about the sons and daughters of previous migrants and their sons and daughters. What is he to do about that?

Mr. Hollobone: One cannot do anything about that. If we are to stop the UK's population rising from 61 million today to 70 million in 2029, we will have to cut net immigration every year by 75 per cent.

Philip Davies: One thing that the Minister clearly does not think is important at all is the need to deal with the illegal immigrants already in this country, whom the Government do absolutely nothing about. Does my hon. Friend share my concern that when people come to constituency surgeries with immigration cases, it often transpires, from the Home Office reply that their application for leave to remain expired in 2001 or 2002, yet they are still in the country and the Government do absolutely nothing to remove them?

Mr. Hollobone: My hon. Friend is absolutely spot on and I agree with that 100 per cent. I see cases most weeks from constituents—I use the word loosely—who are clearly here illegally and complaining that their cases have not been dealt with. In some instances, I have basically told the authorities the names, addresses and mobile phone numbers of people I know to be in this country illegally, but nothing has been done.

Mr. Stewart Jackson: Is my hon. Friend as surprised as me about the rather cocky attitude of the Minister, given that when the Conservative party promised in its manifesto for the May 2005 election an Australian-style points system to deal with immigration from outside the EU, it was comprehensively rubbished as racist by the Minister's party? Lo and behold, within three years, the same policy has become the official policy of the Government. Is my hon. Friend surprised that this Government lack any credibility whatsoever, given that kind of disgraceful behaviour?

Mr. Hollobone: I am a little surprised by the Minister's attitude, because he is normally a nice fellow who takes part in well-reasoned debate. I can only assume that his colleagues in the Home Office have got to him and told him to start playing rough today. Nevertheless, we have a long way to go before the close of this debate, and his tone might well change.

Tom Brake: I wonder what the hon. Gentleman thinks of Boris Johnson's proposal that there should be an amnesty for irregular migrants.

Mr. Hollobone: It is a load of rubbish. Under no circumstances whatsoever should this country ever contemplate any kind of amnesty for those who are here illegally. I have some statistics about that that I shall draw on later.

Damian Green (Ashford) (Con): For the avoidance of doubt, as they say, an incoming Conservative Government would not introduce an amnesty. This is a matter on which we disagree with the Mayor of London.

Mr. Hollobone: I am reassured to hear those remarks, and as we are on that subject, I shall deal with it now. Countries such as Italy, Spain and Belgium have had amnesties. I am sure that the Minister has more statistics, but I believe that Italy, for example, has had five such programmes. In 1987-88, 119,000 illegal immigrants were regularised. The figure increased at subsequent stages to 235,000 in 1990, 259,000 in 1996, 308,000 in 1998, and 700,000 in 2002. The point is that once one starts to regularise illegal immigrants, further illegal immigration is encouraged. That is why the Mayor of London is wrong-headed on this issue, and why no UK Government of whatever colour should ever consider an amnesty for illegal immigrants.

On the point made by my hon. Friend the Member for Shipley about the removal of illegal immigrants, in reply to a question that I asked the Minister in May 2009—he will not be able to dispute these statistics—he told me that 66,275 people were removed or departed voluntarily from the UK in 2008, and 63,365 in 2007. The estimate of the number of illegal immigrants in this country varies, and I would be interested to hear in the Minister's closing remarks, as we have lots of time before the end of the debate, the Government's latest estimate of the number of illegal immigrants still in the UK.

I have been able to ascertain from the figures that that number is somewhere between 600,000 and 750,000. With a removal rate of 66,000 a year, it will take the best part of a decade to remove all those people from this country. Indeed, the right hon. Member for Harrow, East (Mr. McNulty), the then Minister responsible for immigration, said on BBC 2's "Newsnight" programme in May 2006 that it would take at least 10 years to clear the backlog of illegal immigrants in this country. My constituents want that to happen, and while I very much doubt the present Government's determination to see it through, I would welcome the Minister's comments about the strength of his determination to remove from our shores those who have entered our country illegally. The situation concerns not just my constituents in Kettering, but legal migrants to this country who have gone through all the hoops, who have done their best to abide by all the rules and who are furious at those who have crossed the seas to come to our country without permission.

Mr. David Drew (Stroud) (Lab/Co-op): I can sympathise with the view that we need to get rid of illegal immigrants, but the problem is how. I do not know of any country in the world that has a successful programme, other than a programme involving voluntary acquiescence on the part of those who might wish to go home with support. Would the hon. Gentleman agree that this is a massive undertaking?

Mr. Hollobone: It is difficult, but even this Government are making some progress on it. If they are removing 66,000 people a year, it shows that they are being at least a little bit effective in dealing with the issue. They can do it if they carry on at that rate, but they need to be determined. I hope that we will hear later that that is their intention.

There is another group of people in this country who are here illegally and in a very difficult situation. They have applied for asylum in this country and have, quite rightly, been turned down. However, they are, in effect, left in limbo. Often they are not able to go back to the countries from which they have come. Under our rules, we are not able to support them, and theirs is a dreadful existence. Any properly humanitarian approach to people crossing borders would include an effective policy to deal with them.

[Mr. Hollobone]

I do not know how many people fall into that category. I hope that the Minister will be able to tell us how many people have failed to secure asylum in this country—I am not disputing whether they have a right to be here—but are still here because they have nowhere else to go. We are not able to support those individuals, and we must come up with a policy to deal with their human needs.

Mr. Stewart Jackson: Will my hon. Friend join me in paying tribute to the Red Cross, which does fantastic work to help people in that situation? In my constituency, we have had significant problems over the past three years with Darfuri asylum seekers and Zimbabweans. They are literally living on sofas and existing on tins of soup under the auspices of the Red Cross, which does its best. It simply is not good enough, in the fourth or fifth richest economy in the world, that people are in that situation while others are treated much more generously.

Mr. Hollobone: My hon. Friend is right. This is an example of how a tough immigration policy is fairer and kinder. If we make it clear to people that they cannot come into this country and claim asylum, if they have crossed many other safe countries before they get here, we will reduce the number of people who try to do so. I do not believe that we should offer asylum to people who have crossed other safe countries before they get to the UK.

Mr. Woolas: I agree with that point—the hon. Gentleman is right. Under the European Union rules, of course, the Dublin agreement allows us to do exactly that. If somebody has claimed in Greece, for example, we can return them to Greece. However, does he recognise the difficulty involved if people claim to be Zimbabwean, for example, but it turns out that they are actually not Zimbabwean?

Mr. Hollobone: We need a system whereby people's nationality and entry status are determined before they get here.

Mr. Woolas: I agree with that instinct. The difficulty, of course, is the Geneva convention. Does the hon. Gentleman support the idea that we should reform it so that asylum claims are allowed only in the first few hours or days after arrival in this country?

Mr. Hollobone: My understanding is that the Geneva convention does not allow people to flit from one safe country to another. Clearly, the UK does not border any unsafe countries. Unless people fly directly to this country, by definition they must have crossed a safe country.

Mr. Woolas: I agree with the intent, but how would the hon. Gentleman determine that? How would he know if somebody claiming asylum as a Zimbabwean were not Zimbabwean or whether they had arrived through an unknown route? How would he cope with that?

Mr. Hollobone: If somebody came on a cross-channel ferry from the north coast of France and claimed asylum in this country, that should not be permitted. They should be sent back across the channel.

Mr. Woolas: The hon. Gentleman is saying that if somebody arrives on the shore of the UK and claims asylum they should be sent back to France. Is that compatible with the Geneva convention? Does he think that the Geneva convention needs reform?

Mr. Hollobone: That is compatible with the Geneva convention and that always used to be the case. The problem with not applying these rules correctly is that asylum seekers are encouraged to chance their arm to come to these shores. That is why the French are all too happy for these people to live on the north coast of France, chancing their arm and jumping on the nearest lorry or ferry to get here. It is a humanitarian catastrophe that is the result of a weak, feeble-minded immigration policy. The tougher a nation is on such issues, the fairer and kinder it is.

Mr. Woolas: This is a good debate and the hon. Gentleman is giving way generously. I am not trying to score points; I am trying to get to the practicalities. I agree with his proposition that sometimes the kindest thing to do is to be tough. I have said that before and have been pilloried for saying it by members of the press who support the hon. Gentleman's party. But the reality is that Calais is an example of the UK having tough border control. Does the hon. Gentleman not agree with that?

Mr. Hollobone: Well, yes, it is good that we are stopping people crossing the channel, but sadly lots are still crossing it. If they were not, there would not be people on the north coast of France. If we were stopping people crossing the channel illegally, there would not be a camp on the north coast of France. [Hon. Members: "There is not."] Well, there are certainly lots of people hanging around the ports. Whether they are in a formal camp or not is of no particular concern to my constituents.

Damian Green: I agree with my hon. Friend that mostly the problem is that, across the world, Britain is regarded as having weakly defended borders. But there are also problems on the French side. I visited Calais fairly recently, where they have expensive pieces of kit that lorries have to drive through, with monitors that can see whether living bodies are inside. I asked the French operatives how effective they were and was told, "They're very effective. We catch several hundred people every month." I asked what happens to them and the operatives said that they are taken to the edge of the port and released to the police. I asked what the police then do with them and they said, "Oh, they let them go." It is not surprising that they keep trying. I was told that 70 per cent. are caught, so people just keep going until they are in a particular week's 30 per cent. That is what happens.

Mr. Hollobone: I do not know which international body is responsible for enforcing the Geneva convention—presumably it is the United Nations. The Secretary-General of the UN ought to have a word with the President of France about why so many people are being left in limbo in that country.

I can see why people want to come to our shores: we are an English-speaking nation and we are prosperous. But my constituents are concerned that, at a time when we are sending our young men and women to die in

Afghanistan in defence of ours and other people's freedoms, refugees are making their way halfway across the world to claim asylum in this country from the very country that we are trying to sort out.

Philip Davies: My hon. Friend is right about people's motivation and why they might want to come to Britain, but would he add to his list another motivation, which is that many of them know that if they get here the chances of their ever being removed are slim? Once they are in they are in, which is why they want to get to the UK.

Mr. Hollobone: My hon. Friend is right. One of the big magnets is London. It may surprise lots of people to learn that London is the biggest city in Europe and the most cosmopolitan city in the world. Some 40 per cent. of the population in Greater London were born overseas. It is a huge magnet for illegal immigration. There are many good things about the diverse population in our capital city, but there are many bad things as well, one of which is the large number of illegal immigrants here who attract further illegal immigrants from other countries.

It is a disgrace to the European Union that so many refugees from across the world are making their way across countries in the EU to try to claim asylum in the UK.

Mr. Woolas: I agree with the hon. Gentleman's point: the pull factor is a real problem. Diaspora communities attract people. Illegal operatives and agents charge money and promise people things. However, France has more asylum claims than the UK does. This is a global or a western problem, not just a UK problem. I think that the hon. Gentleman agrees with that point.

Mr. Hollobone: I am not particularly concerned about how many asylum claims France has. It needs to speak to its European partners about that. But clearly there is a problem with the external border of the EU if so many are coming in in the first place.

Britain is almost the last country that people can get to, apart from the Republic of Ireland, if they are coming from Africa or Asia, and they will have had to cross so many other safe countries before they get here. So in a way France's problem is a bit like ours, and the EU countries closer to the external border on the east and the south need to do more about it. I strongly suspect that Spain, through the Canaries, Italy, Malta, Greece and other countries are not being tough enough on the people coming across the Mediterranean.

Mr. Woolas: The hon. Gentleman raises an important point. In fact, within the EU the Italians are criticised the most for being the toughest.

Mr. Hollobone: That is not a complaint that I would make, because lots of people who pass through Italy clearly end up on our shores.

Mr. Andrew Turner: Will my hon. Friend give me some information? Is not the point that if people come to this country, there are no circumstances in which they can claim asylum legally, except for those who have come in a boat from an unknown source? Nobody else who comes can legally claim asylum.

Mr. Hollobone: I would welcome the Minister's clarification on that issue.

Mr. Woolas: That is an important point. I should say, factually—for information, not to make a point—that until 2006 17 per cent. of asylum claims within the EU member states were duplicate claims: people had claimed in Greece and Ireland, for example, or France and Germany. The Dublin agreement and Dublin II allow us to return people to the country of first claim. The problem with that is that it could be argued that it encourages routes. The truth is that there are different routes within the EU. For example, Germany is a destination for people from some colonial countries, as are Denmark, Sweden, the UK and France, so this is a European Union problem. But I respect that point.

Mr. Hollobone: I am grateful to the Minister for that most helpful intervention.

Perhaps I should bring us back on track. Although asylum is an important issue for all hon. Members and our constituents, the number of asylum claims is small compared with immigration as a whole. I believe that asylum claims are now running at a rate of about 30,000 a year, which is only 10 per cent. of net foreign migration. The big problem in this country is legal immigration, which brings us back to the population projections of 70 million.

I understand that a migrant now arrives on our shores every minute. We must build a new home every six minutes for new migrants. Immigration will add 7 million to the population of England in the next 15 to 20 years, which is seven times the population of Birmingham. Immigration directly added a million people to the UK's population in the years 2003 to 2007. There was a net inflow of 2.3 million people to the UK between 1991 and 2006, and 8 per cent. came from the new east European members of the EU.

I differ from my party in not agreeing with the free movement of people across EU borders. Effectively, we have, by agreement of our Government, uncontrolled immigration within the EU. The Government told us that there would be 13,000 new arrivals from the new entrant eastern European EU countries, but the figure was approaching 1 million at its peak—perhaps the Minister will confirm what the figure was—which was a world apart from the 13,000 that we were told about, and it has placed huge strain on local infrastructure.

Mr. Stewart Jackson: My hon. Friend touches on an important point about EU migration. Is it not a disgrace that the Government took four years to establish a Migration Impact Forum to look at the impact of migration on housing, policing, the health service and education, when dozens of local authorities, including my own in Peterborough, were advising them that they simply could not discharge their responsibilities with regard to those public services?

Mr. Hollobone: My hon. Friend is right—it is an absolute disgrace. The issue has been completely mismanaged. While other major EU countries took up their rights to defer migration from the new EU entrant countries, Britain deliberately did not. That was a major policy error, given the difference between the Government's estimate of 13,000 and the 1 million people who actually came here.

Mr. Woolas: The hon. Gentleman argued 10 minutes ago that Spain had to give an amnesty because of the large numbers of immigrants. What is his point?

Mr. Hollobone: My point was that Spain gave an amnesty to illegal immigrants who were already in the country but it at least had the good sense to block new arrivals from the new east European entrant countries, while Britain—almost alone—did not. There will be frightening consequences for this country should Turkey become a member of the EU and should the UK Government at the time not defer the arrival into this country of what could be millions of Turkish people.

I have nothing against Polish people, people from other east European countries or people from Turkey, but this country simply cannot cope with the number of people arriving here all at one time. An article in the *Daily Mail* on 22 December said that more than one immigrant a minute is registering with a GP for free health care. It said:

> "Analysis of NHS research shows that 605,000 people who arrived from overseas registered with a doctor in England and Wales last year—up by 50 per cent. in only seven years.
>
> Campaigners say this places a significant 'strain' on services and could force patients to wait longer for appointments and treatment.
>
> While the number of GPs has increased over the past seven years it has not kept pace with the increase in registrations."

That is causing genuine problems for well-meaning GPs, who are having to spend far longer on consultant episodes with new patients, often because of language difficulties. They are having to draw diagrams to explain medical conditions because they cannot converse in English with patients.

Mr. Stewart Jackson: On policing, half the people processed through the custody suite at Thorpe Wood police station in Peterborough do not speak English. It takes an enormous amount of time to process people whose first language is Lithuanian or Polish, and that has a massive impact on front-line policing. Does my hon. Friend, like me, also deprecate the fact that the Government specifically opted out of the sharing of criminal records, which seven other EU countries introduced post-2004? The Government set their face against that, which means that our law enforcement agencies have their hands tied behind their back. *[Interruption.]* I am glad that the Minister thinks that is amusing.

Mr. Hollobone *rose*—

Mr. Woolas: That is an important point, but I simply reflect on the fact that the hon. Gentleman's local authority and others in his part of the country lobbied me to increase the seasonal agricultural workers scheme.

Mr. Stewart Jackson: It is not true.

Mr. Woolas: Well, I had a debate in this hall—it happened to be with Conservative Members, but they were genuinely representing their constituents—on how to cope with the skills shortage. I do not deny the important points that the hon. Gentleman makes about the impact of migration, but the Migration Impact Forum was set up after representations from areas such as his.

Mr. Hollobone: There have been lots of problems as a result of lots of people from eastern European coming here all at once. One example involves motor vehicles. Someone who drives their motor car over to this country from Poland is allowed to run it on the roads for six months before being required to take it for an MOT to ensure that it meets British standards. As far as I can tell from questions that I have asked in the House, there is no effective monitoring of the time that people take to put their cars through an MOT. I strongly suspect that tens of thousands of effectively illegal motor vehicles from eastern Europe, which have not had the required MOT, are being driven on British streets. That is just one example of the problem. If we had a controlled migration system, we could have tackled the issue in a sensible and controlled way. Given that we effectively flung open our borders to all and sundry from eastern Europe, however, the danger posed by vehicles on British roads has increased.

The Government are not taking the population projections of up to 70 million seriously; indeed, as we have heard today, they do not believe them. However, all sorts of statistics show the effect on our country. The Department for Transport's 2008 road transport forecast predicts a one-third increase in vehicle traffic by 2025. Quite reasonably, I asked the Minister of State, Department for Transport, how much of that increase was driven by unacceptably high levels of immigration. His reply on the Floor of the House was:

> "I have seen lots of tenuous causal links, although not one involving immigration"—[*Official Report*, 25 June 2009; Vol. 494, c. 932.]

If important Departments of State such as the Department for Transport are not taking the impact of immigration seriously, the country will be heading for the buffers. We already know that our roads are far too congested. On many routes on our rail network, there is often only standing room at peak times. The idea that our roads can absorb a one-third increase in traffic by 2025 fills me with absolute horror—I have no idea how on earth this country will absorb that traffic. If the 70 million estimate is wrong—if it is on the downside, and the number is actually higher—we are heading for even more trouble.

Immigration is an important concern for my constituents, as I am sure it is for many constituents around the country. Those of us who express concerns about immigration are not racist and we will have our say because it is important that the issue is taken up by mainstream politicians; if it is not, the extremists will have their day.

I very much support the efforts of the all-party group on balanced migration, because we must tackle the issue of net immigration. We must cut it by 75 per cent., from 168,000 a year to 40,000 a year. The Government should have an explicit and reasoned target for net immigration, as recommended by the House of Lords, and they should adjust their immigration policies in line with that objective.

That mention of the House of Lords brings me to the economic benefit of immigration. In a major report in April 2008, the House of Lords Economic Affairs Committee said,

> "we have found no evidence for the argument, made by the Government, business and many others, that net immigration—immigration minus emigration—generates significant economic

benefits for the existing UK population…The overall fiscal impact of immigration is likely to be small, though this masks significant variations across different immigrant groups."

I simply do not accept the Government's argument that immigration is of net economic benefit to our country. I forecast that there will be grave problems for England and the United Kingdom unless this Government or the next Government take balanced migration seriously. If they do not, we will be heading for an unsustainable population of 70 million.

3.19 pm

Lorely Burt (Solihull) (LD): I shall be brief, Mr. Cummings.

John Cummings (in the Chair): I intend to call hon. Members to make the winding-up speeches at half past the hour.

Lorely Burt: In that case, I shall do my best to share the time equitably.

As for the concerns of the hon. Member for Kettering (Mr. Hollobone) and those expressed by his constituents when he meets them on the doorstep, the situation in Solihull is very similar. In Solihull, as in Kettering, the number of ethnic minority people is low—about 8 per cent. However, the perception in this country is damaging. Many people whom I speak to on the doorstep see the country as full—bursting to the seams, with immigrants coming and taking jobs and social housing and pushing the indigenous whites to the back of the queue for health, housing and other services. We ignore that perception at our peril. I agree with the hon. Gentleman that that is the elephant in the room.

We cannot ignore the perceptions of the people of the United Kingdom. Much of what they believe is not factually accurate. Tabloid newspapers—I name and shame the *Daily Mail*—feed on people's worst fears and paint a picture that is so exaggerated that the vast majority of people in Parliament could not, I am sure, recognise it. However, it is a real fear, and so we must address it and do whatever is necessary to reassure the British people that that is not the situation. We must address the real concerns, many of which the hon. Gentleman has outlined today.

We have had quite a discussion about Europe. More British people work in other parts of Europe than there are Europeans in the United Kingdom, but most people, certainly in the west midlands, where I come from, see immigrants as people with a different skin colour from theirs. In the west midlands, they are seen as mostly emanating from the Indian subcontinent. The Government have made a number of mistakes, some of which were outlined by the hon. Gentleman, but the first was made by a Conservative Government, when the then Mrs. Thatcher abolished exit checks. That situation was not redressed by the Labour Government. How can we know how many people we have here when we do not count them out? The hon. Gentleman mentioned the prediction of 52,000 people coming over four years when the EU eastern European borders were opened. The actual figure was 766,000. I wonder whether that was the worst Government forecast in history. *[Interruption.]* It must be close.

Many areas have been left without resources. That has fuelled the sense of resentment of indigenous white people, and we need to deal with that where resources are scarce. We need to look at where the people are going and whether those are the appropriate places for them. We need to reintroduce exit checks, first and foremost, and to know who is actually here. We need hard-headed assessments of need in different regions and different parts of the economy. In the south, there is not even enough water, but areas such as Scotland need more migrants. We would propose a points system to match the need with the area. New migrants should be permitted to settle only in the appropriate areas, as opposed to congregating in areas such as Sparkhill in Birmingham, where it is difficult even to see a white face as one goes through.

We also need to reassert control over our borders, with a national border force with police powers of arrest. We should not join the EU open borders scheme, but we should co-operate on cross-border crime across the EU. We need more employment checks on rogue employers. In nearly 12 years up to 2008, there were only 114 such prosecutions, and certainty of detection in all areas of crime is the highest guarantee of compliance with the law. Often, the lack not of rules, but of enforcement causes disregard of the rules and laws of this country. Immigrants must tolerate and respect British values, which is why a reduction in the availability of language lessons is a short-sighted and mean-spirited action by the Government. The numbers were reduced by 39 per cent. between 2005-06 and 2006-07.

The Conservative policy of annual immigration limits is not, however, the answer, because economies are flexible and needs vary in unplanned ways. If the set level was reached, would the Conservatives block Robinho from joining Manchester City?

Mr. Woolas: Yes.

Lorely Burt: I hear mutterings from a sedentary position that that might not be such a bad thing.

Would the Conservatives stop Japanese sushi chefs from coming over, bringing their skills and contributing to the diversity of the British restaurant industry? An amnesty for illegal immigrants, as proposed by Boris Johnson, is not the answer either, and the hon. Member for Kettering has already said that it has been tried in southern Europe and it merely encourages more migrants to come. The Liberal Democrats would instead propose a tough, earned route to citizenship, only for those who have been here 10 years, who make amends through community service and who speak English. They would be given a work permit for two years before citizenship was awarded.

The Government's plan to deport all illegals—the median number estimated in a London School of Economics study was 720,000—would cost £8 billion. We cannot afford that sort of figure in these times. The difficulties of implementation have already been discussed at length. I wonder whether the Minister can give us a more sensible plan, because, my goodness me, we need it.

3.28 pm

Tom Brake (Carshalton and Wallington) (LD): I congratulate the hon. Member for Kettering (Mr. Hollobone) on securing the debate. I agree with him on at least one point: we should certainly not be scared of discussing this matter. It is not to anyone's

[Tom Brake]

benefit to pretend that it is not an issue. We need to discuss the benefits and disbenefits of immigration in an open and frank manner, because we will all benefit from that and it will help to put down the extremist parties who want to use it to their advantage.

What is important about the debate is the way in which we conduct it and the tone that we use. A couple of comments made by hon. Members fell into the category of being unhelpful in tone, such as the remark by the hon. Member for Kettering that we have flung open our borders to all and sundry. He cannot substantiate that statement, and it is clear that we have not thrown them open to all and sundry. The hon. Member for Peterborough (Mr. Jackson) referred to the fact that half the people in police custody in his area do not speak English. That might be something that he can substantiate statistically, or it could be a throwaway comment with no factual basis.

Mr. Stewart Jackson: I am happy to disabuse the hon. Gentleman of the notion that I made up that fact. It is contained in a periodical report by the Cambridgeshire constabulary as part of its ongoing campaign for better funding from the Government to deal with these issues—it is a matter of public record.

Tom Brake: I welcome the fact that I have given the hon. Gentleman the opportunity to confirm that he can prove that point. However, I am afraid that the hon. Member for Kettering cannot prove that we have opened our borders to all and sundry.

Mr. Hollobone *rose*—

Tom Brake: I look forward to hearing his proof.

Mr. Hollobone: Which people from Poland are not allowed to come to the United Kingdom?

Tom Brake: We could get into a long discussion about that. Presumably, "all and sundry" would apply to people from all over the world, not just to the Polish people to whom the hon. Gentleman refers. My point is that we must be careful about the terms and tone that we use so that we have an open and frank debate that is based on fact, rather than people's perceptions—or, occasionally, their prejudices.

Immigration is clearly an issue, however. We have heard lots of statistics, but it would be useful to cite other figures in this debate—perhaps the Minister will refer to them. We often believe that immigration is a problem for the UK alone, but it would be interesting if the Minister referred, for example, to the number of asylum seekers, refugees and illegal immigrants in South Africa, Chad and Kenya.

Mr. Andrew Turner: We are not in charge of them.

Tom Brake: I accept that, but it is helpful to have such facts and figures in the public domain so that the British public can appreciate that immigration is an issue across the world and not just something that the UK—the fourth richest country in the world—has to deal with. It is often something that very poor countries have to deal with, to a much greater extent and at much greater cost than we do.

My hon. Friend the Member for Solihull (Lorely Burt) spoke about Britons who work in the EU, and there are more Britons living abroad than there are foreigners living in the United Kingdom. One in 10 British nationals lives abroad for part of or all the year—that is 6 million people, including about 1 million pensioners. When debating whether there should be tighter restrictions in the EU, for example, or whether we are being too generous, perhaps we should talk to Spanish politicians about how generous the Spaniards are towards those British pensioners who retire to the Costa del Sol and use the country's excellent health services. Clearly, there is a quid pro quo. The UK receives many immigrants from other EU countries, which puts pressure on our system. Equally, however, there are other European Union countries that are not as enamoured as we feel that they should be about receiving British citizens who make use of their services. This cuts both ways, so it would be useful to have some of those facts in this debate.

Public perception is obviously that immigration is an issue. A recent poll found that more than 60 per cent. of the population believed that there were too many immigrants living in Britain. What can we do to address that? A degree of incompetence and underinvestment in the system has threatened the historically progressive approach that we in this country have had to immigration. It is not the Labour party that is responsible for that, but rather parties or Governments of the past. Before I was elected in 1997, there was a Conservative Government. I remember seeing asylum seekers in my surgery who had been trying to get their cases dealt with for eight, nine or 10 years. There is a historical legacy on immigration and asylum that recent Governments have failed to address.

I am fortunate in that my hon. Friend has outlined all the Liberal Democrat policies that have been proposed to tackle problems involving immigration, such as exit controls, a national border force and a regional points-based system. The only initiative that she did not mention was that of ensuring that employers pay more for permits to employ immigrant workers coming to the UK, so that that money can be used to train British workers to do the jobs that those immigrants have taken.

Before I conclude, I will touch briefly on the issue of amnesty. There is clearly a split within the Conservative party on that issue. Research conducted by Boris Johnson identified that there were about 750,000 irregular migrants in London. It is our view that under certain strictly controlled circumstances, as outlined by my hon. Friend, there is a case for dealing with those people in a compassionate way. How many Labour and Conservative Members have campaigned publically in their local papers in support of families in their constituencies who might have been in an irregular position but perhaps have children at local schools? Perhaps an exception should be made in such circumstances. Perhaps an amnesty could apply to a particular individual or family. We must be compassionate if there are strict controls in place, such as a 10-year period, no criminal record, the ability to speak English and so on.

I shall conclude on that point to allow the official Opposition spokesman to make his remarks. I believe that it is possible to have a fair and firm immigration policy that is beneficial to the country as a whole, and we are moving slowly in that direction. We should not be afraid of saying that immigration provides benefits to the UK, providing that it takes place in a controlled manner.

3.36 pm

Damian Green (Ashford) (Con): I am grateful to the hon. Member for Carshalton and Wallington (Tom Brake) for sitting down a little early. As he mentioned, a lot has been said today, and I congratulate my hon. Friend the Member for Kettering (Mr. Hollobone) on securing this debate on what we all agree is an important topic. I believe—as I know my hon. Friend believes—that the country needs a significant change in policy.

I would like to correct one factual error. Things have been said with which some of us agree and others disagree, but the factual error was made when the hon. Member for Solihull (Lorely Burt) repeated the Government's canard that all exit controls were taken off by the Conservative Government. In fact, the main exit controls were taken off in 1998 by the current Government. Some controls were taken off in 1994, but the final abolition of exit controls was in 1998 under this Government. I know that the Minister dislikes me pointing out that fact, but I feel the need to do so.

A lot of the good, detailed debate between my hon. Friend the Member for Kettering and the Minister attempted to establish what lies at the root of the projection of a population of 70 million in 20 years' time. At the root of that projection lies the sheer scale of the rate of change in our population over the past decade. The current Government's immigration policy has seen the largest and most sustained rise in immigration in the UK's history. There has been a fivefold increase in the 10 years between 1997—when this Government came to power—and 2007. Even after that, our most recent figures show that 512,000 people came to the UK as immigrants in the year ending December 2008. That is a pretty small change from the 527,000 from the year ending December 2007. As my hon. Friend pointed out, the sheer scale of those numbers puts pressure on the public services. We have heard about GPs, police and housing, which are vital public services that lie at the core of what many people—particularly the most disadvantaged—demand from the political system. When people feel that they are not getting a decent service in those essential public services, they are turned off from mainstream politics, and that is what lies at the root of the problems. It is about the scale of change.

It is also worth noting that grants of settlement—those who are staying here permanently—rose by 19 per cent. between 2007 and 2008 from just under 125,000 to 149,000. That suggests that the pressure on public resources imposed by these high immigration numbers will be permanent. The problem with the solution that the Minister is no doubt about to commend to us—the points-based system—is that it does not work without other measures, which need to be introduced, not least because the immigration system itself is still in chaos.

Over the years, we have seen a series of Home Office scandals. The latest is the student visa scandal. For many years, the Minister's predecessors—I will exempt him from this because he has taken some action, but for many years the Government ignored warnings about abuse of the student visa system, and the consequence was tens of thousands of bogus students in the UK and hundreds of unregulated colleges providing student visas but little education. That has been extremely dangerous, as we have seen recently, but it has also been a significant contributor to the collapse of public confidence in our immigration system.

Mr. Stewart Jackson: What does my hon. Friend make of the comments of Andrew Neather, the former speechwriter to the former Prime Minister, Tony Blair? Andrew Neather let the cat out of the bag in the media a few weeks ago by saying that the policy of uncontrolled immigration was in fact a systematic and pre-planned policy to teach the right a lesson, rather than some accident that happened to this Government.

Damian Green: As my hon. Friend can imagine, I was fascinated by those comments. I do not know whether the long-term really serious policy failure by this Government was a result of a cock-up—I normally subscribe to cock-up rather than conspiracy theories—or whether, as Mr. Neather said, it was a conspiracy from the start. Only those who were there at the time can answer that. Either way, it has been a disaster for this country. To some extent, it is interesting historically, but in the time available, I do not particularly want to go into the history, not least because, bringing this right up to date, the current Home Secretary is the first in a long line of Labour Home Secretaries to begin to show welcome signs of admitting that we have had a disastrous decade in immigration policy. He says:

"I accept that governments of both persuasions, including this one, have been maladroit"—

good word—

"in their handling of this issue".

In an interview with the *New Statesman*, he described the Conservative party as having a

"decent, centre-ground debate on immigration"

and he said that debate on a migration limit was "legitimate". That is the first time any Labour Home Secretary has admitted that.

I urge the Minister today, in this new phase of the Government groping towards an honest assessment of their immigration policy, to go further and admit openly that significant mistakes—really serious mistakes—have been made in the past 10 years on immigration.

There are those who argue that simply the act of having a big national debate about immigration will somehow solve the problem of political extremism. I do not agree, because I think that what is needed to lance this boil is a change in policy, so that the British people can see that immigration is once again under control and therefore not a source of significant worry to many of them.

The history of the past 60 years tells us that that is possible. Immigration has moved up and down the league table of political salience. In eras such as the 1980s and '90s, when broadly speaking it was under control, it was not seen as a difficult and contentious issue at the top of the political agenda in the way it certainly is now and it certainly was in the '60s and '70s, so we should not despair about the impossibility of having a successful immigration policy. This country has within living memory had successful immigration

[Damian Green]

policies. What is clear is that we cannot go on like this. We need a change in immigration policy, and this is the year for change, so let me set out what a Conservative Government will do if we are given the chance.

We believe that Britain can benefit from immigration, from attracting the brightest and the best from around the world to this country, but we do not think that we benefit from uncontrolled immigration. We want to see net migration running at the levels of the 1990s—tens of thousands, rather than the hundreds of thousands that we have had in recent years—and we have developed a range of policies to enable us to achieve that. Those include: placing an annual limit on non-EU economic migration; preventing illegal immigration through the creation of a national border police force—I was delighted to be reminded that the Liberal Democrats support that—and reducing the numbers of what are called family reunions through an English language requirement before people come to this country to get married.

Let me briefly run through each area of policy, because they will all be needed to reduce the numbers and establish control. I shall start with legal economic migration. That area of policy has several key elements. As I said, we need to set an annual limit on non-EU immigration according to labour market needs. We should impose transitional arrangements on any new EU entrants.

Mr. Andrew Turner *rose*—

Damian Green: If my hon. Friend will forgive me, I have only a few more minutes.

We are not being wise after the event. The Conservative party said to the Government before the A8 countries joined the EU that we should have transitional arrangements, just as all the other big western European economies did at the time. The Germans, the French and the Spanish established transitional arrangements. The result of that was of course that far more people came to this country, because this was the only labour market opened to them.

This is outside the scope of this debate, but of course we need to reform our welfare system and skills training for British workers, because if we are to limit, in particular, unskilled people coming to this country, we need to ensure that at all levels the skills necessary in the British work force are there in a way that they are not at the moment. I am sorry; I cannot leave my old friend looking forlorn, so I shall give way to him.

Mr. Turner: I intended to ask my hon. Friend about another issue—immigration from the EU. Although we have to provide for those who wish to work here, does he accept that some people are hanging around and trying to find work beyond the 31 days to which they are supposed to restrict themselves?

Damian Green: I dare say that some are. There are a number of problems and there is clearly a wider issue of benefit claiming across borders within the EU, which is done by British citizens as well. I recognise that that is a problem, but what we can control is the numbers coming from outside the EU and we can have the transitional arrangements within the EU, which in terms of that economic migration are what are needed to bring us down to levels that people will find acceptable.

As has been said by many, we need to be much better at stopping illegal immigration as well, so we would set up a border police force that would not only crack down on organised immigration crime but, in particular, enforce laws on illegal employment. One of the often unsaid reasons why Britain is such a magnet for illegal immigration is that around the world, it is believed that it is easier to get and keep an illegal job in this country than it is in most other western European countries—and the reason why people believe that is that it is true. We are not good enough at cracking down on illegal employment, and one of the roles of a border police force would be to do precisely that.

The force would also have the extremely important job of combating more effectively than we do now the modern slave trade that is human trafficking. I am conscious that the Government have taken action on that. There is nothing between us on that. We all want to be more effective at fighting it.

We also need to do better at promoting integration among those who come here to settle. Again, we have a range of proposals. We would introduce an English language requirement to ensure better integration. We would want to tighten the family reunion rules. Again, that is outside the narrow scope of this debate, but we think that devolving power and funding to local authorities will enable them to take more decisions about their local communities. That will allow them to identify much more effectively the individual problems of integration that many hon. Members have mentioned.

The biggest of the measures will be the English language test. In its interim report, the Government's own commission on integration and cohesion stated:

> "The most commonly identified barrier to 'being English' in our polling was not speaking English—with 60 per cent. of respondents identifying language as a key issue."

Figures show that not having proficiency in English results in lower wages and higher chances of being unemployed, and that deprivation tends to go from generation to generation. Everyone coming to this country should espouse the core values of our society. We will have an English language test for spouses to ensure that only those with a reasonable command of English can come here to get married.

There are measures we need to take on economic migration, on illegal immigration and on cohesion, but above all, we need to get control of the numbers to reassure people. I hope that the measures I have briefly set out reassure my hon. Friend the Member for Kettering and others that a Conservative Government would make significant radical changes to how this country deals with immigration, with the aim of establishing better controls and greater confidence in the system, thereby capturing the economic, as well as the social, benefits of immigration, while reducing pressures on our public services, which too often cause tension between communities.

In commending my hon. Friend the Member for Kettering for securing this debate, I say that getting immigration right is one of the hugely important tasks facing any incoming Government after the next election.

3.51 pm

The Minister for Borders and Immigration (Mr. Phil Woolas): Thank you for your chairmanship of this extremely important debate, Mr. Cummings. Congratulations to the hon. Member for Kettering (Mr. Hollobone) on securing the debate. Its title, "Immigration Control", filled me with horror because it covers such a broad range of issues, but the hon. Gentleman has been very specific. I am grateful to hon. Members for the way in which the debate has been conducted.

Let me say from the start that I have never said that anybody who raises the issue of immigration should be accused of racism. My primary strategic objective when I took this job was to separate the debate on immigration from ethnicity, and I told the Prime Minister that. The issue has bedevilled this country for 30 or 40 years, but I believe that we have achieved that separation. I say that clearly and on a non-partisan basis.

The hon. Member for Kettering raised important points that I want to address. The hon. Member for Solihull (Lorely Burt) said that this is a real issue on doorsteps. I do not see this as something about which we have to persuade the public that they are wrong. As the hon. Lady said, we have to give them the facts and put forward our arguments.

I want to start with the matter of the 70 million. I have said on the record, and have been backed by the Home Secretary and the Prime Minister, that our policies are reducing net migration and that is a deliberate policy. Let us establish where the 70 million figure comes from. It is an extrapolation of net population, which is different from net migration. Population is a function of birth and death rates, as well as net migration. In the Office for National Statistics's own words, it is not a forecast. It is an extrapolation from previous years' net migration. The years chosen were the calendar years 2006, 2007 and 2008, which saw the significant increase in migration to this country from accession countries, particularly Poland—what the hon. Member for Kettering was complaining about. It is unfair to extrapolate from the experience of those three years and say that that is a realistic forecast of what our population will be in 2030. Incidentally, the ONS put that figure back from 2029 as the prospect of it diminishes.

Governments cannot control birth and death rates, and I do not think that the hon. Gentleman was suggesting that they should. That is not his policy; he is against the nanny state and, as far as I know, he is against euthanasia and compulsory birth control. It is very revealing that part of the increase in net population is a result of the birth rate of previous immigrants. What is his policy to deal with that? History shows that the birth rate among migrant communities diminishes over the years. That has been true of Irish migrants and other populations.

I do not accept that the 70 million is a forecast. I got into a lot of hot water a year ago when I controversially said in my interview in *The Times* that Government policy was that we would not allow the population to reach 70 million, as far as it is possible to prevent that through migration policies. I accept and agree with the hon. Gentleman's premise but I disagree with him on the validity of his fears.

As the Home Secretary pointed out, previous population projections—extrapolations, not forecasts—have been wholly wrong. In 1965, the population in 2000 was anticipated to be 76 million, based on an extrapolation from previous periods. In fact, attempts by Governments of both persuasions to control migration, such as the 1961 Bill that led to the Commonwealth Immigrants Act 1962, the Immigration Act 1971 and the British Nationality Act 1981, have led to increases in net migration because of the "closing down sale" phenomena.

In the brief time that I have available I shall turn to policy issues. I think there is much more agreement among the parties than the public debate perhaps recognises. The hon. Member for Carshalton and Wallington (Tom Brake) spoke very well for the Liberal Democrats, as did the hon. Member for Solihull. He accepted the case for controlled migration within the context of the net benefit to our country of immigrants. I agree with him on that point, as I believe does the hon. Member for Kettering, and I do not think there is much between us but I disagree with the idea of a cap. We know, following the debate at the Royal Society for the encouragement of Arts, Manufacturer and Commerce, that the figure would be in the tens of thousands. I think that the cap is only on the tier 1 and tier 2; that arbitrary figure is not on general migration.

We should bear in mind that the ONS definition of a migrant is somebody who stays in this country for 12 months or more. Interestingly, the biggest single group of immigrants into this country in 2008, according to the ONS definition, were returning British people—85,000, which is more than any other nationality. They are defined as immigrants. Within that figure are overseas students. Many Members, on both sides of the House, put me under intense pressure not to restrict tier 4 immigration. I hope that those Members support the hon. Gentleman's policy but I suspect that they will not.

It is not a simple issue. A key policy point in the press release from the cross-party group on balanced migration is that we need to end the assumed automatic jump from presence in our country to settlement. That is a key policy issue that the Government and the official Opposition support, and it is what we are intent on doing. The points-based system is a huge shift forward in achieving that. There have been teething troubles, which I recognise.

On the marriage proposals and the English language test, I was one of the first politicians to suggest that English language teaching rather than translation services should be the priority. I said that in 2001 and I was pilloried by all sides and accused of being a racist. There is now a competition to see how much we can spend on English language lessons. The 39 per cent. reduction mentioned by the hon. Member for Solihull is on NVQ work-related English language teaching; the overall budget for English language teaching has gone up.

The hon. Member for Ashford (Damian Green) mentioned marriage policy. We accept that there should be a basic English language requirement. He and I debated that in the Borders, Citizenship and Immigration Bill Committee. The issue of student visas has also been raised. We have introduced tier 4 and closed around 2,000 bogus colleges, but there is a cat and mouse game, which we are addressing.

My basic point in response to the debate, and I thank the hon. Member for Kettering for securing it, is that controlled migration is necessary, beneficial to the country and provides the public with the reassurance that the hon. Member for Solihull was concerned about, but the devil is in the detail. The measures that we have put forward have brought about the biggest shake-up in migration controls since the exit control changes in 1994 or 1997. The fact is that this country has never had

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as strong migration controls at its borders as it has now. That is recognised in the debate in the United States, where the call from all sides of Congress and the Senate is, "Let's do what the Brits are doing." That is good advice, Mr. Cummings.

West Yorkshire Police (Funding)

4 pm

Mr. Paul Truswell (Pudsey) (Lab): It is a pleasure, Mr. Cummings, to serve under your watchful eye.

Hon. Members are often accused of special pleading in such debates, but I believe that what I am about to say does not amount to special pleading. All that I ask my hon. Friend the Minister and his Home Office colleagues to do is to fund West Yorkshire to the extent suggested by their funding formula. Progress made with local policing in West Yorkshire, particularly in my constituency, has been phenomenal during my time as an MP, which goes back to 1997.

At one time—my right hon. Friend the right hon. Member for Leeds, West (John Battle) will echo this—our contact with constituents was much more to do with the unsatisfactory responses and attitude of our local police force than with the crimes being suffered by the community. Today, although challenges remain and criticisms continue, they are few and far between compared with those of the earlier period. The no-can-do mentality that characterised the previous era has been almost totally reversed.

It is a tribute to Colin Cramphorn, the late chief constable of West Yorkshire, and his extremely able successor, Sir Norman Bettison, that the development of neighbourhood policing has been driven forward so effectively. They worked in concert with the police authority, under the chairmanship of Mark Burns-Williamson. It is always difficult when naming names because one invariably misses some, but many individuals have helped to translate neighbourhood policing into a reality. They include people such as Chief Superintendent Ian Whitehouse, the divisional commander, and his two predecessors, Howard Crowther and Ian Levitt. I also single out some of the neighbourhood police team inspectors—Tom Horner, Simon Hepworth, Richard Coldwell and Richard Cawkwell—and their immediate superiors, Chief Inspectors Paul Money and Elizabeth Belton. I am sure that I have missed some names, but I have mentioned the most recent incumbents and those with whom I work.

Substantial real-terms increases in Government funding for the police have played a huge part in West Yorkshire's success, and we have seen tremendous improvements in my constituency. Over the past seven years or so, acquisitive crime has fallen by something like 35 per cent. That includes burglary and robbery, and crimes such as the theft of motor vehicles for which the figures are even more impressive. Although that kind of improvement cannot go on for ever, we must provide the resources that the West Yorkshire police need to keep a lid on crime, in which they have so far been most successful. However, resources on their own are not enough. They have to be used effectively, and change has to be transmitted from the top down to the local level, with every police officer playing his or her role in the constant fight against crime, to meet the expectations of the local community.

My hon. Friend the Minister will be aware that the Audit Commission recently praised West Yorkshire police for their ability to provide a policing service that offers good value for money to the local people. It will not come as a surprise, therefore, that I want to concentrate on the police funding formula. The Government have already given a clear indication that the settlement for 2010-11 will remain unchanged. Although it is obviously to be welcomed that West Yorkshire will receive an increase of 3.3 per cent., the force is still almost £18 million short of what it would have received if it had been fully funded under the raw funding formula.

The Government's revamping of the police funding formula recognises the chronic underfunding to which areas such as West Yorkshire had been subjected under Tory Governments. As I said, there is no denying that extra funding for West Yorkshire has allowed the number of police officers to rise to record levels. I have already mentioned the beneficial effects of that in my constituency and that of my right hon. Friend the Member for Leeds, West. However, that clearly does not change the fact that West Yorkshire is still about £18 million adrift of what it should have received under the Government's own assessment of its needs.

I appreciate that one reason for the Government's decision is that they need to mitigate the impact on those authorities that receive more than is suggested under the funding formula. Unfortunately, the dampening of their pain also dampens West Yorkshire police's ability to continue meeting the challenges—and meeting the expectations not only of the local communities but of the Home Department. Those expectations are quite legitimate.

Other factors constrain West Yorkshire and prevent it from escaping that financial impasse. For instance, there are obviously wide variations in council tax between the different police authority areas. West Yorkshire's precept is now the third lowest in the country. If my hon. Friend and his ministerial colleagues are not already doing so, I urge them to apply pressure to get some flexibility in the capping process.

The capping system currently focuses more on increases in precept and in overall council taxation than on the individual budget increases and precepts of authorities such as West Yorkshire. That is particularly important in West Yorkshire, because it has such a low gearing. I understand that an increase of 5 per cent. in the West Yorkshire precept increases the overall council tax in places such as Leeds by only 0.5 per cent.

Another concern in West Yorkshire is the potential vulnerability of specific grant funding, which is exacerbated by the overall failure to deliver resources through the funding formula. The loss of specific grant, or funding from external partners such as local authorities for police community support officers, would obviously have a tremendous impact on the force's capacity to continue imposing downward pressure on crime and meeting community expectations.

I understand that a few posts remain at risk and that no commitment has been given to continue funding. They include 60 detention officer posts paid for by the Home Office and three senior police officer posts funded by the Ministry of Justice. I hope that my hon. Friend can give me some assurance, if not today then perhaps in writing, that that funding is safe.

There are also problems on the capital funding front. They reflect the difficult economic circumstances and the state of public finances. I understand that an announcement is due to be made later this month about capital funding. The provisional figures are £3 million for supported capital expenditure and £5.6 million of capital grant, but the fear is that will not be confirmed. The difficulty is that those figures have been injected into the planning process. Any shortfall will result in the revenue budget being raised to pay for the revenue consequences of meeting capital expenditure, yet a lot of that capital expenditure is much needed, and it will create savings over time. I would be grateful to my hon. Friend if he commented on that factor.

John Battle (Leeds, West) (Lab): I thank my hon. Friend for giving way—and thank you, Mr. Cummings, for allowing me to intervene. My hon. Friend has rightly been praising the work of the police force in our neighbourhood, but he, too, deserves some credit for his consistent and indefatigable campaigning for public services, particularly the police, transport and fire services.

Will my hon. Friend join me in suggesting that the pioneering restorative justice project in Leeds, which operates out of the Belle Vue police centre and has great leadership, is proving to be a brilliantly successful scheme that could be pushed out across the country? We do not want to see its revenue funding undercut.

Mr. Truswell: I thank my right hon. Friend and neighbour for his comments. I agree wholeheartedly with what he said and thank him for his accolade. I have been accused by some people of having been "bobbied", which is a reference to those who at one time were hostile to the police and who have now been taken very gently under their wings. If that was put to any of the officers whom I mentioned earlier, they would smile because they know what a robust relationship we have. I have always believed in credit being given where credit is due.

The crux of the problem is that West Yorkshire is not receiving the funding it should under the funding formula, that various aspects of its funding are under some specific threat and that many of the priority developments that it is taking to respond to Government initiatives and the demands of the local community increasingly have to be funded from savings. Although the authority is efficient and has proved its ability to make savings, that is not in the long term a sustainable way of meeting the funding challenges, especially on the revenue front.

The authority was conscious of the difficult economic climate when it settled its budget for 2009-10, and agreed a 2.99 per cent. increase in the police precept, which allowed for an increase in spending of 3.38 per cent. overall. However, two thirds of that is already locked in by the pay award that was negotiated over a three-year period. Savings have been identified from the base budget to divert into priority areas, such as the automatic number plate recognition team, the road death investigation team and additional resources for Every Child Matters and force intelligence. The result was as we would want it—the force strength remained virtually unchanged. Some of that was achieved by leaving vacancies open for much longer than is operationally desirable, which I regard as the cracks starting to appear in the revenue budget.

The preliminary estimate for the budget that is required in the next financial year is an increase of 4.3 per cent. Again, more than half of that is locked in by pay awards that have already been agreed. The increase is also required to meet the full-year consequences of

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some of the developments to which I referred a minute or so ago. It is also needed for further developments, such as the replacement of body armour, making up for the loss of interest on investments resulting from reductions in interest rates and the revenue implications of capital expenditure.

4.12 pm

Sitting suspended for a Division in the House.

4.21 pm

On resuming—

Mr. Truswell: As I was saying in this soap opera before I was so rudely interrupted, the Government have already announced that they expect council tax increases to be below 3 per cent. for 2010-11. The West Yorkshire force must therefore make savings of £10 million to cope with those expected increases and the challenge provided by all the other measures that I have referred to.

The Chancellor's pre-Budget report on 9 November 2009 announced that sufficient funding will be made available in the years up to 2012-13 to enable police authorities to maintain the current number of warranted police officers, police community support officers and other staff who exercise police powers. However, no further details were given at that stage, and I would like my hon. Friend the Minister, either today or in due course, to indicate that some clearer guidance will be given to authorities, such as West Yorkshire, to enable them to plan to meet the challenge ahead.

Initial forecasts of the anticipated budget shortfalls in 2011-12 and 2012-13 in West Yorkshire, assuming a 1 per cent. pay award, which I suspect will itself be a vexed question, are £16 million and £26 million respectively. Those forecasts also assume the continuation of the specific funding to which I referred earlier. Again, we need far more detail about the funding mechanisms and how those sorts of targets will be reached than we received in the Chancellor's statement, so that effective planning can take place.

I want to end my contribution by referring to two revenue-funding avenues that would help to mitigate the major problems that the West Yorkshire force faces—problems that I have outlined—because the Government cannot find overnight the resources required to make up the gap between what West Yorkshire currently receives and what it should receive under the funding formula. One of those avenues is to introduce a statutory power for police authorities and police forces to charge for the full cost of policing commercial events, such as sporting events and music festivals. I cannot see any justification for council tax payers to subsidise profit-making organisations in the way that they do currently.

The other avenue relates to revenue raised by the Proceeds of Crime Act 2002, or POCA. The West Yorkshire force has made significant advances in raising money from POCA. Each division within the force now has a specialist team dealing with POCA and the economic crime unit within the force is also undergoing structural and process changes.

Receipts from POCA obviously fluctuate enormously as a result of delays in bringing cases to court and delays in the judicial process itself, and also because of the fact that during the economic downturn assets that are seized, such as houses, have lost a lot of their value. To its credit, the West Yorkshire force has been running a campaign called, "Why should they?", which is an attempt to raise awareness of the use of POCA both internally within the force and among the general public, as a way of encouraging people to report crime or people who are believed to be criminals through Crimestoppers. That campaign has had a great deal of success.

The notion of recovering moneys from criminals through POCA is obviously very popular. I understand that a recent Ipsos MORI survey found that, despite relatively little knowledge about the mechanics of POCA among the people surveyed, there was a lot of support for the idea of criminals' assets being seized. In fact, asset seizure was the third most popular option selected, with 86 per cent. of people who responded saying that it was a good idea. It came third only behind the usual demands for a greater police presence on the streets and longer sentences for criminals.

However, I must make a point about the incentivisation fund through which POCA operates. It is quite right that those agencies that are at the coal face, such as the police, the Crown Prosecution Service and Her Majesty's Courts Service, and working to make POCA operate effectively, should receive the proceeds from POCA. But it is far from clear to me—perhaps my hon. Friend the Minister can enlighten me—why 50 per cent. of the proceeds of POCA should be retained by the Treasury, and it is also unclear exactly who or what that division of the money is supposed to incentivise. There is an overwhelming case, in terms of fairness and providing an incentive, for at least some and ideally all of the money that is retained by the Treasury to be disbursed to the three agencies involved in POCA. Obviously, such a change would benefit all police authorities, including West Yorkshire.

That is really the end of my journey through the trials and tribulations of West Yorkshire police funding and how the particular constraints that I referred to will undermine the West Yorkshire force's continuing attempts to address the challenges that are put before it, not only by the Government but by people such as myself and local communities.

The West Yorkshire force has made huge progress. It obviously uses its resources extremely well and it deserves a fairer allocation of money through the funding formula. However, if that is not possible—we all know the reasons why that is not instantly possible—then at least the force should be able to enjoy more sympathetic treatment in relation to some of the other problems that I have referred to. I am looking forward to hearing my hon. Friend the Minister's response to those points.

4.27 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Alan Campbell): It is a pleasure to serve under your chairmanship, Mr. Cummings.

I congratulate my hon. Friend the Member for Pudsey (Mr. Truswell) on securing the debate and the way in which his contribution recognised, in a very balanced way, both the progress that has been made in recent years by police forces, including the West Yorkshire force, and the challenges that those forces still face. I welcome the opportunity to discuss the issues that he raised.

As my hon. Friend would expect, I want to refer to some of the more general issues before dealing specifically with the points that he raised. West Yorkshire police received a 37 per cent. increase in real terms in total Government grants between 1997-98 and 2009-10, which means an actual increase of £194 million. In addition, the provisional police settlement for 2010-11 allocates £250.5 million in general grants to West Yorkshire, which is an increase of 3.3 per cent., or £11.3 million over and above the previous year. That is well above the minimum 2.5 per cent. increase guaranteed to all forces, and I will return in a moment to the point about the damping mechanism in the funding formula. Alongside the general grant, the West Yorkshire force will receive a range of other Government funding totalling £30.8 million in 2010-11. In addition, it will receive a capital allocation, to which I shall also return shortly.

In 2009-10, West Yorkshire police, along with other forces in the region, will benefit from an additional £564,000 in specific grants relating to collaborative delivery of protective services. The facts show that there have been continuous increases in funding, and we are protecting the increases in 2010-11, despite the present challenging economic and financial conditions.

With the growth in funding, there has also been growth in police officer numbers. The number of police officers in the West Yorkshire force has increased by 578 since 1997, which is an 11 per cent. increase. That has resulted not only in a force that has nearly 5,800 officers, but in a ratio of officers to members of the population in the area that is above the average for England and Wales.

Alongside the increase in officer numbers, police staff numbers have also been rising since 1997. That increase has given chief constables more flexibility to support officers on the front line and to ensure that they spend their time protecting their community where they can and making a difference. West Yorkshire has deployed police community support officers since 2002-03 and received more than £50 million towards their salary costs. Neighbourhood policing is key to delivering a responsive police service that deals with crime and antisocial behaviour, which affects areas up and down the country, including my hon. Friend's constituency.

The evidence suggests that West Yorkshire police has used its additional resources well. Between 2002-03 and 2008-09, total crime in West Yorkshire declined by an impressive 32.7 per cent. That is a positive reflection of the good work done by the force and the resources provided to support it. It is essential that greater numbers of officers and staff at the front line link directly to increased capacity and productivity in delivering for the public. West Yorkshire, like all other forces, must keep up the good work

I will discuss national funding and then come to my hon. Friend's point about the funding formula. The funding increase for West Yorkshire sits against a background of year-on-year grant increases—60 per cent. to date—for all police forces since 1997-98. That is an increase in real terms of almost 20 per cent. in the grants that police have to spend.

The provisional police funding settlement of November last year honoured our commitment to increase the revenue settlement by a further £259 million in 2010-11, notwithstanding the challenging economic times. We have also honoured our commitment to fund counter-terrorism. Our commitment to providing such levels of funding reinforces the fact that policing and reducing crime are a top priority, but I accept that police forces will always be concerned about whether they are getting a fair and adequate share of funding.

My hon. Friend referred to funded posts. If he will allow me, I will ask the Minister for Policing, Crime and Counter-Terrorism to write to him with a full answer about funding the post to which he referred. On the wider issue of guidance, it might be necessary to allow and help police authorities to meet funding challenges, which will continue despite the revenue funding committed in the pre-Budget report.

On funding for such things as football and music events, opportunities have arisen in recent years to raise funding through such channels, but a consultation on the funding formula is planned for this summer. That will be a good opportunity for police authorities to come up with innovative ideas for additional funding sources.

On asset recovery, we are considering incentivising the distribution of assets recovered. I congratulate West Yorkshire on playing a proactive role and making the matter a priority. The public want to ensure that criminals do not get away with it, but there is also a view, to which I subscribe, that many criminals fear losing their assets almost as much as being sent to prison, if not more. That affects their status within the criminal world and the society in which they live. We want to ensure, as the public want us to do, that they do not get away with it.

My hon. Friend raised the issue of the 50 per cent. share for the Treasury. That is actually a mechanism by which 50 per cent. comes to the Home Office and goes into its budget. The Home Office relies on that to fund policing, for example. I assure him that it is not squirreled away or used for other purposes. I am aware of concerns that the incentivisation in place is not necessarily appropriate. We are reviewing it, and I hope that police forces will be able to benefit more from the good work that they do.

Mr. Truswell: On that point, I think that most people, irrespective of whether they live in West Yorkshire, believe that if the police, the Crown Prosecution Service and the Court Service have recovered assets in an area, the money should go back into the area, both to fund the capacity to raise even more, and to reward the people there for their efforts.

Mr. Campbell: Yes, of course, but in many ways that is what happens. In many cases, the money that comes into the Home Office as part of that 50 per cent. goes to finance officers in the first place, and the officers then collect assets. We want them to collect more. Particularly in a recession, even if cars and houses are seized, income can fall, if we are not careful, and we want to ensure that that scheme is properly incentivised.

There is also a community cash back scheme, which we ran successfully this year with £4 million taken from assets recovered. We allowed local communities to bid for the money so that something physical could be seen

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in their areas as a result of recovering assets. I assure my hon. Friend that we take his points seriously and I will certainly reflect on his remarks.

On the funding formula, I assure my hon. Friend that I did not take what he said as special pleading. I took it as him standing up for his constituents, for which I applaud him, even though I cannot necessarily agree with what he asked us to do. The formula has been in development for many years and is under constant review. It will go out for consultation in the summer of 2010, and I hope that he and his police authority will make the points that he made on behalf of his area and that changes can be made, if necessary.

My hon. Friend also raised the issue of damping. I understand that some police force areas, such as his, are adversely affected by damping; I assure him that mine—Northumbria—benefits from it. It is not just about applying rules but about whether the rules are right in the first place. To state the blindingly obvious, the pot remains the same size. If we change the funding formula and someone wins, someone else will lose. Damping ensures that nobody loses to the extent that it completely disrupts their activity.

The announcement on capital allocations was delayed until January, but I assure my hon. Friend that it was made today. Capital allocations for 2010-11 will be unchanged from those announced provisionally at the start of the comprehensive spending review period. That is good news for his area, which will receive £8.6 million and will not require decisions about capital and revenue funding to be made. The money will be there for capital funding and for front-line officers.

The pre-Budget report brought positive news for the future of police funding beyond 2010, as my hon. Friend acknowledged. There will be sufficient funding in 2012-13 to enable police authorities to maintain current numbers of warranted police officers and police community support officers. It is not our view that areas will need to increase their precept greatly. In fact, we believe that the 3 per cent. figure is accurate and necessary, not just because it allows the police to continue to be funded properly in their areas, but because it protects council tax payers in general. There is a balance to be struck, but I am sure that he will make a contribution by lobbying his community and local government to argue, when the time is necessary, the issues around council tax.

I congratulate my hon. Friend on what he has done throughout his time in this House. He has stood up for his constituents, especially by speaking about their safety and security. I hope that I have provided him with assurances on most of the points that he raised, and I will ask my right hon. Friend the Minister for Policing, Crime and Counter-Terrorism to write to him about any outstanding questions.

Multiple Births

4.39 pm

Bob Russell (Colchester) (LD): Twins are nature's original "buy one, get one free". Occasionally, the special offer of a single transaction can be even greater: three or, more rarely, four for the price of one. Are twins double joy or double trouble? My personal experience is that the answer to both is yes, although "trouble" is better defined as cost and a double work load, particularly during infancy.

This debate is primarily about the educational consequences for families with twins or other multiple births. I am grateful to the Twins and Multiple Births Association—Tamba—which has assisted me with the statistical background to what can be a serious issue or series of issues for such families.

Parents of twins and other multiple birth children can do without the uncaring attitude that some schools and local authorities can take, although fortunately that was not the experience that my wife and I had in Colchester. Research by Tamba throughout the country discovered that about 200 sets of twins every year were allocated places at different schools against the wishes of their parents. There are frequent examples of schools ignoring parental choice by placing twins in separate classes when their parents wish them to be in the same class, or putting them in the same class when their parents want them to be in separate ones. I hope that this debate will lead to the Government introducing guidelines so that twins and other multiple birth children will always be allocated places in the same school, unless the parents choose otherwise. I hope also that parental choice will prevail in the allocation of places in classes.

The most recent high-profile twins to attract media attention were Jedward, the entertainment hopefuls on television's "The X Factor". Less well publicised was the birth on new year's eve of the twin grandsons of the Duchess of Cornwall in London. Somehow, I do not think the parents of Louis and Gus will have the same experiences as many other parents of twins. The most significant multiple birth of recent years, in the UK at least, occurred as recently as Sunday 27 December, when Mrs. Lisa Kelly gave birth in Newcastle to quadruplet daughters—Heidi, Annabelle, Hannah and Jessica. Newspaper reports state that they are the first set of quads made up of two sets of identical twins born in this country. I congratulate the father, Mr. Sean Kelly, and mother on the safe arrival of their four baby daughters. I also congratulate the family of the Duchess of Cornwall and all other families blessed with multiple births over Christmas and the new year.

There is much joy at the birth of any child, or there should be. I have many fond memories of becoming a father for the first time—twice over. My wife went into hospital to have a baby and gave birth to two wonderful boys. Only when the first was born was it realised there was a second. That was nearly 42 years ago; the scanners used today would have shown that my wife was carrying twins.

About 10,000 sets of twins and 130 sets of triplets are born each year. Problems frequently experienced by multiple birth children include prematurity, speech and language delays, and physical, emotional and social immaturity. A recent survey of 939 parents of multiples, conducted by Dr. Erika Fraser for Tamba, looked at the educational needs and experiences of multiple birth children at pre-school, primary school and secondary school level, and at the additional challenges faced by the families of multiples when applying for schools.

Tamba works throughout the UK and has nearly 8,000 family members and 150 club members. The impetus for the survey was the growing number of parents who were asking for Tamba's help because their twins who were about to begin primary school were being offered places at separate schools. Understandably, parents were concerned that sending their children to different schools was practically difficult and could cause serious emotional and developmental problems.

The findings of the survey suggest that around 200 sets of twins are offered places at different schools each year. Tamba's meetings with local education authorities across England support that finding. I welcome the recommendations of the chief schools adjudicator on amending the admissions code to ensure that children from multiple births are allocated places together at primary school and that the list of "excepted pupils" in the class size regulations be extended to include them. I understand that the Secretary of State for Children, Schools and Families has accepted that recommendation and the further recommendation that all admission authorities should be required to consult on and publish arrangements for the admission of twins and children from multiple births. It would help parents and authorities if the Minister clarified the timetable for amending the code.

Tamba's survey uncovered another troubling issue: primary school children being separated into different classrooms against their parents' wishes. Each year, almost 2,000 multiple birth children who start at a primary school with two or more reception classes are split up without their parents having any input in the decision. A further 500 children are placed in the same classroom against their parents' wishes.

Why is that issue important? In a number of cases, early enforced separation causes mental health problems for children. New research by King's college London's twins early development study, which is a national study of 2,232 twin children, found that twins aged five who were separated at the start of primary school had on average more emotional problems than non-separated twins, such as symptoms of withdrawal, depression, shyness and anxiety. The effects of early separation were still detectable at ages seven, 10 and 12—seven years later. The differences were consistent whether the twins' emotional problems were rated by the parent, teacher or child. Not all twins were affected in the same way, however, and some might benefit from early separation. It is therefore important that schools treat multiples on a case-by-case basis and consult with parents about what would be best.

The problem of splitting twins was highlighted recently in *The Guardian*. It reported the case of Darras Hall first school near Newcastle, which has a policy on the matter. Angela Parkinson has identical six-year-old boys, as well as two other sets of twins, who were automatically split up when they started at the school. She said:

> "I went to see the reception class teacher and she said in their experience twins developed better (when split), but she didn't seem to have much evidence to back it up, and I have to say I wasn't convinced. All the same we had no choice."

She added:

> "We are happy with the school in almost every other way, but I think my twins would have been better kept together and I think schools should listen to parents' views on that."

Tamba confirms that that case is typical and the charity has supported dozens of families who wished to keep their children together or separate them across different classes.

One of the most concerning cases, which has been ongoing for many months, is of twin boys who were upset because they were split up against their will. Those arrangements, which were imposed on the family, are making school an unpleasant experience. The parents, supported by expert opinion, pleaded with the head teacher on a number of occasions to alter the arrangements, but their pleas were met with a stubborn refusal to act. The situation was avoidable, but instead the family has been forced into the sad situation of considering legal action against the school to ensure that their children's best interests are finally met.

In the absence of national guidance, Tamba expects many more schools to face similar legal challenges. I note from the answer to my recent parliamentary question that the Government believe:

> "It is up to individual schools to determine which classes children from multiple births should be placed in."—[*Official Report*, 2 December 2009; Vol. 501, c. 836W.]

I would welcome confirmation from the Minister that he agrees with me that such decisions are best made in consultation with parents. I would also welcome insight into what further action might be considered to avoid parents being forced to take legal action against schools, should a dispute arise.

Another significant issue is the uncertainty faced by parents of premature children who wish to delay school entry by a year because the birth date would put the child in a school year 12 months ahead of when they should have started. Tamba estimates that about half of all multiple births are premature. In about 20 per cent. of those cases, babies who should have arrived after September arrive earlier—some as early as June. About 2,000 multiples who are born prematurely effectively end up starting school in the wrong school year. If the parents of those children were allowed to correct their age in line with their gestation, they would not have to enter school until they were almost five. Currently, most go into reception when, had they arrived at nine months' gestation, they would have been three years old. By starting school a year too soon, such children spend their school life trying to keep up with children of up to a year older. That problem comes in addition to the developmental delay that is common in premature babies, and very common in those born before 32 weeks. Many multiples also have speech and language delays as a result of having less one-to-one time with their parents.

The survey found all sorts of problems resulting from premature children starting school too early, such as speech problems, tiredness, learning and behaviour difficulties, toilet accidents, difficulties getting themselves changed for PE, being academically behind their peers, and being emotionally and socially immature. Parents of those born in the wrong school year were almost twice as likely to be worried about their children being educationally behind their peers and emotionally immature, and 64 per cent. of parents thought that they were too young when they started school. Those concerns are

[Bob Russell]

shared by Bliss, the premature baby charity. I welcome the recent consultation on improving the flexibility in deferring entry to school. Will the Minister confirm whether the Government intend to do the same for those who want to delay?

The survey found that young multiples have restricted access to play and educational opportunities. In particular, parents find it difficult to take their young multiples swimming, with 70 per cent. missing out. Other activities that many parents found unmanageable with only one set of eyes and hands included going to gym classes, playgrounds, soft play areas, baby massage classes and toddler groups that are spread across a number of rooms. Financial costs can also be prohibitive.

According to Professor Pat Preedy, a leading researcher into prematurity and multiples, it is vital for premature children—especially multiples—to move a lot as it aids their physical development. Play opportunities can improve learning and social interaction, and help to reduce the isolation of mothers and prevent postnatal depression, which research shows is twice as likely for mothers of multiples as for mothers of singletons.

The Government's response to another of my parliamentary questions suggested that the play strategy and Sport England's swimming pool design guidance should enable everyone to swim and play without difficulty. Clearly, that is not happening. I would therefore welcome further clarification of how the Government intend to address the difficulties that many larger families have in taking part in simple activities, such as learning to swim or going to the playground.

I am sure that the Minister will agree it is important that all families that want their children to attend pre-school or other early-years settings should be able to ensure that that happens. However, the survey found that a significant number of families were unable to do so because of cost or because places were not available. The answer to another of my recent parliamentary questions is clear as far as it goes:

> "Local authorities have a duty to ensure there is sufficient provision in their area, but this does not necessarily ensure that the specific needs and preferences of families can always be met."—[*Official Report*, 1 December 2009; Vol. 501, c. 706W.]

I would welcome the Minister's confirmation of how the problem that some multiple birth families have in accessing places at the same setting can be addressed. It appears that the lack of accessible and affordable child care provision might have an impact on the number of mothers who work and the level of household income.

Tamba has commissioned a study to show how family finances are affected by multiple births and the results are expected in the coming months. It is being conducted by Professor Steven McKay, a leading social scientist who is based at Birmingham university, and it analyses a number of nationwide surveys that include large samples of children. The study will look at factors such as incomes, receipt of benefits, living standards and patterns of work. Some analysis has already taken place and early findings suggest that having a multiple birth is associated with a slightly increased work effort by fathers, but rather decreased rates of work among mothers, even though they tend to be older, which should cushion the impact.

Although rather more than half—56 per cent.—of all mothers are in paid work, that figure drops to 47 per cent. among those with twins or higher order births. Those mothers are also working about two hours less each week. Consequently, these families as a whole appear to have a lower household income and experience greater material deprivation. Sadly, there is also evidence that mothers with twins are more likely to be divorced or separated, although fewer are single and with no experience of marriage. Financial pressures are often regarded as a significant reason for couples to separate. Tamba has long campaigned for greater practical state support for these families, including the payment of additional benefits to recognise the additional social and financial strain caused by having a multiple birth. I would welcome the Minister's comments on that.

Remus and Romulus are arguably the most famous twins in history, but for the House of Commons, our history makers are twin sisters: the Minister for Pensions and the Ageing Society, the hon. Member for Wallasey (Angela Eagle), and the Minister of State, Ministry of Justice, the hon. Member for Liverpool, Garston (Maria Eagle), who I believe are the only pair of twins to have served in the House. For the record, research by Tamba shows that there are eight right hon. and hon. Members who are fathers of twins: myself, the right hon. Members for Skipton and Ripon (Mr. Curry) and for North Antrim (Rev. Ian Paisley), the hon. Members for Blyth Valley (Mr. Campbell), for Falkirk (Mr. Joyce), for Welwyn Hatfield (Grant Shapps) and for Finchley and Golders Green (Dr. Vis), and my hon. Friend the Member for Ceredigion (Mark Williams). On behalf of all eight fathers, I thank our respective wives for giving us the special extra joy of giving birth to twins. Despite unfounded boasts that that might perhaps warrant claims for super-stud status, we all recognise that it is the mother, not the father, who determined the wonderful bonus of two children.

4.53 pm

The Minister for Schools and Learners (Mr. Vernon Coaker): It is a pleasure to be in Westminster Hall under your chairmanship, Mr. Cummings, and to answer the debate initiated by the hon. Member for Colchester (Bob Russell). I had forgotten that he was the father of twins and have never thought of him as a super-stud—I have never looked at him in that way before.

I congratulate the hon. Gentleman on securing the debate. It is another example of how he takes up and pursues with great determination and vigour causes in his own constituency—for example, he is doing so with a current campaign on school organisation in Colchester. He also takes up many other issues in Colchester, as well as matters that are not always in the headlines, but are none the less extremely important and of national significance and concern. We should reflect on the fact that he takes great pride in pursuing national issues, as well as issues in his own constituency.

May I also take this opportunity to congratulate Tamba on the work that it does, particularly the work of its chief executive, Keith Reed, and the people who work with him? They represent many families across the country and campaign with zeal in pursuing the various causes that the hon. Gentleman has mentioned.

I shall go through my formal remarks and, no doubt, if I fail to answer any of the points that he has raised, he will intervene.

This is an important topic, which the Department takes very seriously, because when we said in our children's plan that we want every child to get a good education, we meant every child. That, of course, includes families with twins and children of multiple births. I am sure that many hon. Members would agree that raising a child can prove challenging, including when finding the right local school to meet their needs. So I understand the concerns of parents who naturally wish to see their children attend school together, and I know that although twins, triplets and other multiple births bring much joy, they often bring many challenges for parents, both financially and emotionally. I assure hon. Members that we have sought to improve the process for parents, and we will continue doing so for these families.

As the hon. Gentleman has stated, some parents have had difficulty in trying to get their multiple birth children into the same school. However, let me make it clear that we will support multiple birth families throughout those important years of schooling, and we will ensure that those families are properly considered in local admissions and that their children can attend the same school wherever possible.

I want to take stock of the improvements made thus far. Over the past two years, we have strengthened the local admissions process and have put in place requirements to ensure that it is as fair as it can be, takes into account the views of parents and others and has clear lines of accountability, so that concerns can be properly addressed. The school admissions code, which came into force in February last year, places children and families at the heart of this fairer system. The schools adjudicator has much greater powers to hear about and decide upon local disputes and can strike out or rewrite unfair policies and practices.

Schools and local authorities must now set admissions arrangements following extensive consultation with the parents and communities that they serve. Local authorities in particular have a decisive role in ensuring access to state schools is fair and must report annually on their area to the chief adjudicator. Local admissions forums have a duty to review how effective local systems are at working to the benefit of children and parents. Where families do not get their first preference of school, local authorities will work towards their next preference, to offer a place at the nearest school with an available place. Children who live further than the statutory walking distance are entitled to free home-to-school transport. As a result of a stronger admissions code, we now have one of the fairest admission systems that we have ever had.

On multiple birth families and the issues that hon. Gentleman raised, I understand very well parents' passion in seeking the same school for their children. The admissions code already makes the process fairer and states:

> "Families must be at the heart of the admissions system and the Government expects the admission authorities for primary schools to take the needs of parents with young children into account in deciding which oversubscription criteria will be used. The admission authorities for primary schools should ensure in their oversubscription criteria that siblings (including twins, triplets or children from other multiple births) can attend the same primary school".

I have no doubt that schools and local authorities understand that need, and many work towards fulfilling it. However, we want to make things as easy as possible for parents of every set of twins or of children from multiple births who seek a state school place.

Early last year, there was growing concern from parents whose twins were about to start their education in two separate schools, and who understandably felt left out of the process. Following that, my right hon. Friend the Secretary of State for Children, Schools and Families asked the chief schools adjudicator to publish a report on the problem. On the 2 November 2009, he published his report, which found that, although understandably traumatic for some parents, the problem was relatively rare and only occurred when children from multiple births tied for the last available place at a local school. However, the chief adjudicator recommended that admission authorities should consult upon and publish arrangements for the admission of twins and children from multiple births and that the list of excepted pupils in the class size regulations should be extended to include those children.

Bob Russell: I am extremely grateful to the Minister for his helpful and positive response. Would he give as firm a guarantee as he can that, from this September, we will never again hear of a local education authority placing twins or children of multiple births in separate schools against the preferences of the parents? There will be occasions on which parents want them to go to separate schools, but when they wish their twins or triplets to go to the same school, can he give a categorical assurance that every local education authority in the country will be told that they must find places at a school for those twins or triplets?

Mr. Coaker: To give that the statutory force that the hon. Gentleman seeks would require a revision to the admissions code that the schools' adjudicator recommended. One of the questions the hon. Gentleman asked me, which I will answer in a moment, was when we expect that new admissions code to be in force. Before answering that, I will say that he knows—this is why it is sometimes important to read things into the record—that I hope that what he has described will be the case in September 2010, or indeed whenever young children are admitted to primary schools prior to the new regulations coming into force. To be clear, that will not have statutory force until the admissions code is amended. The fact that I have said that on the record means, I hope, that some local authorities, when coming to those decisions having read those remarks, will take the sort of decision that he and I would want.

My right hon. Friend the Secretary of State considered carefully and accepted in full both recommendations from the chief adjudicator. He will consult publicly on those at the next opportunity to amend the admissions code. Our expectation is that the new admissions code will be in force in early 2011, provided all goes well with the consultation. Those important changes will seek to ensure that children from multiple-birth families are routinely included in local policy making and that their parents have a say in the allocation of schools. I was particularly pleased to note that Mr. Keith Reed, the chief executive of Tamba, warmly welcomed the measures that we intend to take.

[Mr. Coaker]

I would like to address the hon. Gentleman's important point about respecting parents' wishes on what class their children should be placed in. Wherever possible, schools should take into account parents' wishes about where children should be placed, and certainly the expectation is that good practice would demand that the school consults the parents on the placement of their children. I do not know whether every parent of every twin would want their children placed in the same class, but certainly the important point the hon. Gentleman made was about consultation with parents, which is absolutely right and would be good practice in most schools.

Bob Russell: The point that I would like to emphasise is that some parents wish their twins to be in the same class and that others wish them to be in different classes. Whatever their choice, I hope that parental choice would prevail, because Tamba's evidence indicates that teachers and head teachers are setting themselves up as authorities on multiple births, which they are not.

Mr. Coaker: I agree with the hon. Gentleman that the rights of the parents and the expression of their wishes should be paramount. In the vast majority of cases where schools have consulted with parents who wish their children to be together, they have been placed together, and I am saying that that would be my hope and expectation. The issue for us is that framing that in legislation is difficult. However, reading into the record the fact that that is our expectation and certainly an example of good practice, which one would expect a good school to follow, means that schools will be expected to consult with parents about what they think is appropriate for their children. That would be expected to happen as a matter of course on a range of issues, and clearly it should also happen for an issue as important as which class their sons or daughters are in.

The hon. Gentleman raised several other issues about the challenges for multiple-birth families, but we have addressed his main concerns with regard to schools. The Government have tried to reflect some of the additional financial burdens as well as the joy that such families have. We have tried to do that through the child tax credit system, and there are obviously the additional child benefits that are available for each child. One would also expect local authorities to ensure that access to their facilities was such that no family was disadvantaged. That often varies across the country, but the Government's expectation is that local authorities would properly provide for every family within their community, whatever a family's needs. For example, in some areas, discounts are available to families to ensure that they have access to facilities and services.

To conclude, I thank the hon. Gentleman again for raising this important issue. We want to ensure that every child has access to a good school in their local area, without any barriers stopping them from doing so. That is one of the Government's priorities and certainly one of mine. The measures that we intend to take via the admissions code to formalise support for families with twins, triplets or other multiple-birth children will help more families get the best for their children. As the hon. Gentleman said, every child deserves a good education. We will continue to work with local authorities, schools and families to ensure that they can access it on a fair basis and, in so doing, fully realise their potential.

Question put and agreed to.

5.7 pm

Sitting adjourned.

Westminster Hall

Thursday 7 January 2010

[MR. JOE BENTON *in the Chair*]

Lobbying (Whitehall)

[Relevant documents: First Report of the Public Administration Committee on Lobbying: Access and Influence in Whitehall, HC 36-I, Session 2008-09, and the Government Response, HC 1058, Session 2008-09.]

Motion made, and Question proposed, That the sitting be now adjourned.—*(Angela E. Smith.)*

2.30 pm

Dr. Tony Wright (Cannock Chase) (Lab): I wish I could say that the House is clearly galvanised by this issue, but sadly it is not. I also suspect that many of us feel the need to depart this place as soon as we can, to reach further parts of the kingdom.

None the less, it is a great pleasure to introduce on behalf of the Public Administration Committee our report, "Lobbying: Access and Influence in Whitehall", to which is attached the Government response, and a further report that the Committee produced in December 2009. We first reported in January 2009 and the Government, for a variety of reasons, were not able to reply to that report until October 2009. It will be noticed that that is rather longer than the normal two-month reply period, but we understood some of the reasons for that, not least that Ministers changed during that time, which is always a difficulty. I just want to say to my right hon. Friend the Minister that I know that today is her birthday and I feel particularly bad about detaining her, when I know that she wants to go out and celebrate this great day. So I will try not to detain her too long. Then, in December 2009, the Committee produced a further report commenting on the Government's reply and taking the issue forward.

I want to start by explaining why the Committee thought that it was a good idea to look at lobbying. It was not because we were in the middle of a scandal; sometimes, that is the reason why we decide to look at a particular issue. In this case, there was not a pressing contemporary scandal, but we thought that there was an issue that needed attending to.

I pay particular tribute here to my hon. Friend the Member for Selby (Mr. Grogan), who I see has now been promoted to honorary Parliamentary Private Secretary for the afternoon. As he just said to me, it is the highest accolade of his political career and I must say that it is well-deserved and indeed long overdue. He had been concerned for some time about a particular issue, which was the failure of multi-client consultancies to disclose their clients. He talked to me about that issue, I then talked to the Committee about it and we thought that it was an issue worth exploring. However, we thought that the way to do so was to have a more general look at the lobbying industry itself, which had not been done in modern times. It had not really been done at all inside Parliament for 15 years, and at that time it had been done only in relation to Parliament itself and not in relation to Government. So we wanted to take a step back and look at what lobbying was, how it organised itself, its interaction with Government and whether there were issues that required attention.

Now we all know that lobbying makes the world go round. We all lobby. As Members of Parliament, we are both lobbied all the time and we lobby all the time. We are vigorous lobbyists on behalf of all the interests and causes in our constituencies and indeed on behalf of many interests and causes beyond our constituencies. Everybody—every interest and cause in the land—lobbies, either directly or indirectly. We know that Prince Charles lobbies and we know that he does so regularly and assiduously.

I am in favour of all this lobbying. I think that good lobbying helps to make good government, for two reasons. The first is that people in a democracy are entitled to express their views, to have their interests recognised and to press those views and interests on public policy and on government. The second is that, on the other side, the Government benefit hugely from their contact with the world of lobbying, because they need to know the things that lobbyists know. The Government need to have the detailed knowledge that comes from knowing every area of life and activity.

Mr. Gordon Prentice (Pendle) (Lab): My Friend mentioned Prince Charles. Does he believe, as I do, that the Prince's lobbying of Government Departments should be put in the public domain?

Dr. Wright: I am actually quite ambivalent about that. I say that as a great man for openness, freedom of information and so on. However, if I was Prince Charles—there is a thought—and the heir to the throne and I thought that I had a role of advising, encouraging and warning, which is part of what a monarchy does, then I would probably want to exercise that role, certainly not in areas that were party contentious but over a wide terrain. I would write vigorously to Ministers about all the things that I was concerned with and I would probably write less vigorously if I thought that those letters were going to be published. That is the reason for my ambivalence. The easy answer would be to say, "Yes, of course, they should be published". However, the older I get, the more old-fashioned I get, and I quite like the idea of monarchs writing to Prime Ministers, Prime Ministers writing to monarchs and all that kind of thing, but no doubt that is just a sign of ageing.

Anyway, lobbying is intrinsically a good and necessary thing. So why should we be concerned with it? Why on earth should we investigate it and inquire into it? Of course, it is because lobbying carries with it, as well as intrinsic goods, some intrinsic dangers too. Those dangers are pretty obvious; if some people have privileged access to power, policy and Government, that creates disadvantages for other people. So, as far as possible, we need to know who is lobbying whom about what. If we do not know that, of course people will draw all kinds of conclusions about the policy process. When Governments take decisions, unless we know something about the process by which those decisions have been taken openly, it can simply be asserted that they have been taken because certain interests have had their way with a Government in a manner that is not open and that has not been challenged.

[Dr. Tony Wright]

So, on that basis, we set out a number of principles that we thought should inform lobbying. We said in our original report that we needed measures that would do three things:

> "to promote ethical behaviour by lobbyists, with the prospect of sanctions if rules are broken...to ensure that the process of lobbying takes place in as public a way as possible, subject to the maximum reasonable degree of transparency...and to make it harder for politicians and public servants to use the information and contacts they have built up in office as an inducement to other potential employers."

That third and last principle relates to the issue of the so-called "revolving door".

In pursuing those principles, which I think would receive wide assent, we wanted to take an approach that would be effective in ensuring that the principles were actually safeguarded in some serious way. However, we also wanted to approach this subject in a way that was proportionate. We did not want to set up a bureaucratic structure that would be completely out of kilter with the nature of the problem. Those were the two aims that we brought to our approach.

We wanted to consider those who lobby and those who are lobbied. To take up a point that I mentioned at the beginning, we decided that we were concerned not just with the industry, and certainly not just with multi-client firms, but with all those who lobby regularly. Most lobbying is done by in-house lobbyists, not firms. I am always interested, by the way, by people who do not want to describe themselves as what they are. Lobbyists usually like to describe themselves not as lobbyists but as something else, usually people concerned with public affairs or Government relations. We know that they are lobbyists. If they think that lobbying is a good thing, they should say that they are lobbyists. They should set up lobbying companies and advertise themselves as lobbyists. They should not be coy about it.

We wanted to consider the whole activity of lobbying, wherever it came from, and not single out certain bits of the industry. In relation to those who lobby, although this was not our primary concern, we began to consider the industry. There are other issues that I will not touch on about whether it is worth spending large amounts of money on lobbyists to do a variety of jobs. Some people who spoke to us certainly did not think so, but that is not our concern.

We were struck by the fact that there was no single and effective system of regulation for the lobbying industry. There are three major industry associations or bodies that, although they all claim to have principles in common, are run in different ways. We know that industry is important to Government, but it does not have a single regulator to maintain ethical standards, so when issues blow up, the ability to deal with them depends on whether someone belongs to a particular association and whether it has standards that bite and can be enforced.

We took the view that we needed an umbrella regulator for the industry to approach the issue from the side of ethical regulation. The Government agreed with us in their reply, saying that they want a "single and credible" system of regulation—self-regulation, if possible—for the industry. We will discuss whether the industry is making progress towards a single, effective regulator.

What I have said so far relates to those who lobby, but our prime concern was those who are lobbied within the policy process and within Government and what we should be doing about them. We discussed the need for records of meetings between those who lobby and those who are lobbied, and we considered the provisions for declaring outside gifts and hospitality in relation to Ministers and civil servants.

Our central proposal involved a register of lobbying activity. In our report—I will not repeat it now, but it is worth reading for those who are interested—we have set down what principles we think should inform such a register and described what we think its content should be. We seek to show that it can be done both effectively and proportionately, and we give examples of different jurisdictions, showing what registers are like in the United States, Australia, Canada and parts of Europe. By the way, that indicates that the need to move towards a registration system is becoming common in many parts of the world. It is becoming common in Commonwealth and European systems and at the European level, and the United States has detailed provisions. One of the first acts of the new Administration in the United States was to introduce more effective lobbying regulation.

However, we did not want simply to copy those systems. We thought it important to devise a scheme appropriate for our political system. For example, when we went to the United States, we talked to lobbyists and those who were lobbied, and most of us returned with a feeling that the scale, volume and detail of what was legislated for there were not appropriate for our system. We went to a lobbying firm and met the lawyer whom it employed, whose job was to circumvent all the provisions to regulate who people can have a cup of coffee with and what contacts they can make. Due to the role of campaign finance in the United States, it is more pressing to regulate any contact between politicians and money people and outside lobbyists. Our system here is rather different. That is the point about combining effectiveness with proportionality.

Kelvin Hopkins (Luton, North) (Lab): Is not the problem in Britain twofold, more so than in perhaps any other polity? We have a higher degree of secrecy in government and more centralisation of power. Therefore, we might need lobbying to be more exposed and made more public and transparent than many other countries.

Dr. Wright: That certainly has been the traditional picture here. Fortunately, things are improving. They have improved enormously as a result of freedom of information legislation, which this Government introduced and in which our Committee played a major role, if my hon. Friend remembers.

Kelvin Hopkins: My hon. Friend did so personally.

Dr. Wright: Well, there is a dark secret that I try not to tell our colleagues.

Kelvin Hopkins: We will not tell anyone.

Dr. Wright: We can just say it quietly to each other here. If my hon. Friend remembers, when the draft Freedom of Information Bill came before our Committee 10 years or so ago, we noticed that it did not include Parliament. It was put to us that that was a strange omission, and we recommended that Parliament should be included. The Government, in the shape of the current Justice Secretary, took that on board, and without dissent or demur, the House of Commons agreed to insert Parliament into the Act.

Mr. Gordon Prentice: So you are responsible.

Dr. Wright: We are responsible. I pause to reflect on the implications.

Things have changed. The Government took steps, and they have taken more steps since our report on lobbying, to make transparency requirements relating to Ministers' interests. They have agreed to produce quarterly online records of meetings between outside organisations and Ministers. We would like them to go further still—we say that they should include civil servants, too—but progress is being made, so I do not want my hon. Friend the Member for Luton, North (Kelvin Hopkins) to feel too downhearted. His life has not been entirely in vain.

Where are we now, all that having been done? The industry has responded. It is surprising, because the industry was concerned about our activities last year. Indeed, in some respects, they were preoccupied with them. What was striking was the industry's broad acceptance—I will not go as far as to say welcome—of the need to make changes. A meeting was convened in the House of Commons last year by the industry. I thought that we were being invited to be castigated and was surprised when major industry figures lined up to say they accepted that change had to come. They wanted to progress with the kind of approach that we had outlined.

Since then, the industry has taken steps to set up a public affairs council and move towards a single industry regulator. We have serious reservations about how serious that process is and how far it has gone. We reproduced a letter that came to the Select Committee from the person presiding over that initiative, from which it is not clear that the industry is moving towards a universal, compulsory system that brings in the whole industry. Unless that is done, we will not have the kind of regulatory body that we have for other areas of life. Anything less than that will not be satisfactory.

The Government response, although it took some time to come, was broadly positive. The Government signalled that they wanted the industry to move in the direction that we had suggested:

> "The Government urges the industry to embrace the opportunity provided by the Committee's Report."

That was a pretty clear steer to the industry that it was not just a parliamentary Committee that had popped up and said these things, but that there was a general feeling in the Government that the time had come to put the lobbying industry on a different basis.

The Government thought that could be done on a voluntary basis. We were not so sure, although we wanted to give the industry time to do so and suggested a time frame of six months. We would now like to know what the Government think about the process so far. Do they think that it has met the requirements that we set out? We are doubtful about that. Some serious nudging may be required.

I have welcomed the Government's extension of the transparency arrangements for hospitality and gifts to Ministers and on their private interests, but there is room to go further. There could be published records of the meetings between outside groups and civil servants, as there are for Ministers. Civil servants' private interests could also be published. We welcome the online quarterly reporting of meetings between Ministers and outside groups.

The outstanding issue is that of a register and whether it should be introduced on a voluntary or statutory, mandatory basis. Our report made it clear that unless the register was statutory and mandatory, it simply would not be effective. That was the overwhelming tenor of the evidence that we received from people in this country and those who drew on overseas experience.

The Government reply is rather gnomic on that point:

> "The Government agrees that any system of regulation, whether it is voluntary self-regulation or statutory regulation, requires a register of lobbyists to ensure that lobbying activity is transparent. The Government agrees with most of the elements for such a register outlined by the Committee."

With great respect to the Minister, that evades the issue of whether a register must be required, as opposed to voluntary. The volume of evidence on that point is compelling. In the last few days, we have received representations from the Law Society and others stating that they could operate only with a statutory register because of the requirement that solicitors have under the regulatory body for that profession.

Kelvin Hopkins: I do not know whether my hon. Friend has received the same intimations as I have. Before the Government response was published, there were hints that they might go further than they did and be much more positive. It is suggested that they rowed back from that. Did he receive any such intimations? Does he know whether the Government rowed back and, if so, for what reasons?

Dr. Wright: As always, my hon. Friend knows far more about the inner workings of government than I do. I yield to his superior knowledge of such matters. I know only what I am told, which is what the Government write in their responses.

I have tried to describe briefly how the Select Committee got into this issue and the work that we did. I give huge thanks to the members of the Select Committee for the work that they put in on this and every other inquiry. We are a persistent and durable Committee. I also express huge thanks to our Clerk, Steven Mark, and his team for their work in assisting us. Many things are wrong with Parliament—some of us spend a lot of time talking about them—but one thing that is not wrong is the service that we get from our officials, which is exemplary. [HON. MEMBERS: "Hear, hear!"] Indeed, it is almost too good for us at times. That service was indispensable on this report.

I have explained why we got into this matter and the argument that we made. We came forward with a set of proposals that is sensible, doable and not over the top. It deals with an issue that systems in every country are having to deal with in some way. Where does that leave us? Our argument is that it is much better to put such reforms in place at a time of relative calm, when there are no scandals or crises. The next time there is a

[Dr. Tony Wright]

scandal, crisis or report about impropriety in the lobbying industry, there will be instant demands that something be done and we will probably do something that is completely inappropriate. It would be much better to take some time to stand back from the issue and then come forward with a set of sensible proposals that prepares us to deal with such issues or, better still, prevents them. That is what we tried to do.

I have spoken of developments elsewhere that show the direction of travel. It is not plausible to suggest, when lobbying regulation is a normal part of almost every other system, that we do not need it. It should be part of the furniture of government and we should do it in a way that is consistent with and appropriate to our tradition.

This issue will not go away, and it would be best to deal with it now. I do not know whether some in the industry think that it will go away once this Parliament, this Select Committee and perhaps this Government have gone. I read in a newspaper that a vast number of Conservative parliamentary candidates come from the lobbying industry. Perhaps they think that they will be able to take care of the issue by effective lobbying from inside. Unlike my hon. Friend the Member for Luton, North, I do not know such dark secrets, but simply what I read in the newspapers. However, I am pretty sure that the issue will not go away. It is unfinished business that we must turn our attention to. Not for the first time with some of our reports, it is only subsequently that people decide that something is worth turning to and implementing in full or, at least, in part.

The core proposition is simple: in a democracy, people are entitled to know who is lobbying whom about what. It is as simple as that. If we accept that core proposition, it is worth spending some time thinking through what kind of arrangements and procedures would secure the achievement of that principle. That is what we have tried to do in our report, and I hope that it will come to be seen as the basis for some sensible action.

3 pm

Kelvin Hopkins (Luton, North) (Lab): It is a pleasure to serve under your chairmanship, Mr. Benton. After the debate, like you, I have to repair to the frozen north before the next snowstorm, although I appreciate that Luton is not quite as far north as Bootle.

The last point my hon. Friend the Member for Cannock Chase (Dr. Wright) made was that as and when things go wrong—when a crisis arises—he is rather pessimistic that the Government of the day might do the wrong thing. Perhaps he could then say, "We told you so. Here's our report; just implement it." He perhaps should not be too clever about it, but he could at least offer the report and say, "Here's one we made earlier. This is what you should do." I would like to think that we are ahead of the game and that, at a future point, the report that we recommended will be adopted, rather than the Government's inching towards that position. We have made progress, however, and that is good.

I wish my right hon. Friend the Minister a happy birthday and hope that she is not delayed too long by our debate. The Chamber is not too crowded, so she might get away fairly soon.

The report is absolutely splendid, and although I put my name to it, the credit goes to the whole Committee and, indeed, to those Officers whom my hon. Friend the Committee Chairman praised so fully and appropriately. I should also say—he would not say this, and he has perhaps heard me give such compliments before—that his chairmanship of our Committee is absolutely first class. In my 13 years in the House, the most enjoyable and worthwhile thing I have done is to be a member of the Public Administration Committee for the past seven years. At least for the next six months, I hope to continue to be a member of it. The Committee has a splendid group of members and produces first-class reports, as it has done over several years.

My fellow Committee members present will have heard my arguments before, so I apologise for raising them yet again. My concerns were always about the power of lobbying at the very centre of the Government. I have drawn a spectrum of lobbying, or perhaps a division between its two types, one of which I call altruistic lobbying—indeed, that is the sort of lobbying that I do. I represent the Campaign for Nuclear Disarmament—I have mentioned that organisation before in the House. It does not pay me any money; I support it because I believe in its aims and objectives. It is a matter of personal belief, rather than a question of interest.

I also sponsor the National Pensioners Convention lobby of Parliament every year. As I am above pensionable age, I should declare an interest, but I also believe in what that organisation is doing. There are a number of other organisations that we support, in a sense, because we passionately believe in their objectives, and that is what I call altruistic lobbying.

Moving along the spectrum, one then has the professional organisations. I have personal associations with the trade union Unison, the Association of Colleges—as co-chair of the all-party group on further education and lifelong learning—and million+, which is an organisation of new universities, the chairman of which is vice-chancellor of my local university. Again, there is no financial interest involved. We do these things because we happen to agree with what such organisations stand for and what they are doing.

We then get to the more serious end of the spectrum, which is where large sums of Government money and contracts are involved. Those are invariably dealt with at the highest level of Government, and that is what my concerns relate to. The links between the defence industry and the Ministry of Defence are well known. The contracts concerned are literally worth billions, not just millions. As far as is reasonable—as long as one is not giving away national secrets that would be advantageous to an enemy—such contracts should be transparent. There have been scandals in the past about the defence industry and its relations with not just the British Government but foreign Governments.

I am also very concerned about the extent to which the previous Prime Minister had visitations at Downing street from big business interests, particularly those of the health industry. Time and again, there were reports in the journals about meetings at Downing street involving large numbers of American health corporations that considered the rich pickings they could get from the national health service. That process is still taking place, and it worries me greatly. We should not be privatising the health service under the disguise of commissioning or whatever. The drive that has come from American health interests, in particular, is very unhealthy and unwelcome. That is all done at the level of Downing street, not even at the level of the Department of Health. That should be exposed and made public. We get leaks in the press, but that is not anything like enough.

Another area that I know a little about is dealt with by the Department for Transport, which is talking about ordering rolling stock from different companies. Many of us were very concerned about the Government's decision to place a big order with Hitachi rather than with companies in Britain that have productive capacity, particularly because the Department for Transport now has its own in-house ROSCO—rolling stock company. That has been an advance, but the ordering process and the links between the companies and the Government ought to be much more transparent. I want them to be made public.

Something that worried me perhaps more than anything was the gambling interests and the American gambling corporations that went into Downing street and pressed the previous Prime Minister to drive forward a large number of giant casinos across Britain. In fact, we saw them off through a combination of Back-Bench lobbying by myself and others. I know that my hon. Friend the Member for Selby (Mr. Grogan) also felt that the matter was deeply unhealthy. We did not want the legacy of a Labour Government to be a nation left with increasing levels of gambling addiction and more large casinos. The idea that an economy somehow has to be based on a giant casino, particularly in a poor area, is really reprehensible. However, as a result of parliamentary pressure and lobbying against the gambling corporations, they were seen off to a large extent. That was very healthy.

I understand, again from leaks in the journals, that the American gambling corporations were very disappointed in the previous Prime Minister because he did not manage to get through what they wanted, which was for Britain to become an offshore Las Vegas. My opinion on the matter is not just a result of my puritanical ancestry. It would have been deeply unhealthy for Britain to go down that route and we should not have done so. Again, lobbying was done at a central level, and that was unacceptable.

It is interesting to note from the Government's response to the report that they have apparently agreed to publish details of ministerial meetings with outside interests. That is very welcome. However, at the last minute, they showed reluctance to publish information about lobbying activity involving the most senior officials. The Government are therefore saying, "Yes, you can know everything, except that which is most important." I want to know what the senior officials are doing with these big companies. That is what really matters and that is what I want to see exposed.

Many years ago, I was a supporter—the constituency chair—of Brian Sedgemore, who at that time was the Labour Member of Parliament for Luton, West. I was his party chair and campaign organiser when he was the Parliamentary Private Secretary to Tony Benn. He and Tony Benn went to have dinner with the warden of, I think, All Souls—certainly the warden of an Oxford college. Brian Sedgemore put forward the view that government ought to be open and public so that all these things would be known. The warden turned to Tony Benn and said, "Mr. Benn, do you know that your Parliamentary Private Secretary is mad?" Brian Sedgemore was perhaps ahead of his time, but I agreed with him then and do so now.

We have some way to go. The report is a tremendous advance and I would like to think that a future Labour Government will implement it in full so that we have the statutory register and reach the healthy state of affairs in which such things are known publicly and the electorate will know what senior officials and Ministers are doing in their offices regarding big contracts with wealthy corporations, meaning that they no longer have that hidden from them. I look forward to hearing what other hon. Members have to say.

3.10 pm

Mr. John Grogan (Selby) (Lab): It is a great pleasure to make a brief contribution to the debate. As the Select Committee Chairman said, I have a dual role this afternoon. It is truly the highlight of my political career to be the Minister's acting PPS for a few minutes. I have just begun to realise how much power I have in that role. I have a lot of notes, and could pass the Minister the wrong ones—or pass the wrong ones back and forth—but I shall try to perform both my roles correctly.

In 1869 the American magazine *The Nation* defined a lobbyist as

> "a man whom everybody suspects...and whose employment by those who have bills before a legislature is only resorted to as a disagreeable necessity."

That is one view of lobbying—not the one that I take. Some of my best friends are lobbyists. I agree with the Chairman of the Select Committee that they are a vital part of our democracy and can articulate the case of not just business but charities and all sorts of organisations about legislation. They can make sure that a diversity of voices and opinions is heard in our democracy. However, the central principle that the Chairman referred to about the declaration of clients by multi-client lobbyists is fundamental. It is no accident that, as he pointed out, nations across the developed world have been changing their rules on the matter in recent years. In the United States there is a long tradition of transparency, dating back to the quotation I gave, and before. In the European Union there is a voluntary register in operation. In France, only this month, the French Parliament has adopted such a declaration of clients—the decision of the Senate has probably to come.

Why does it matter? Partly it is because the websites of the multi-client lobbying firms and the pitches that they make claim great influence. They claim that they shape policy and that they have done over decades. If that influence exists, it should be transparent. Some firms have been holding out against the declaration of clients. Bell Pottinger, chaired by Lord Bell, is one in particular. Down the years there has been an occasional burst of publicity suggesting the importance of declaring all one's clients. For example, a few years ago, during the gambling debate that my hon. Friend the Member for Luton, North (Kelvin Hopkins) referred to, Bell Pottinger had two sets of clients—an American gambling company and the British Amusement Catering Trade Association, a trade association covering gambling machines and so on, in Britain. BACTA decided that that was a

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conflict of interest, and that it would seek representation other than that of Bell Pottinger. If the client list is not published, one cannot be sure that such conflicts of interest do not exist.

I know from my own dealings and inquiries in the matter that that was not the only case in which Bell Pottinger represented completely different interests. I went to a dinner organised by Bell Pottinger at which one interest was being argued. A few weeks later I saw the same Bell Pottinger personnel—there were not even Chinese walls in operation—representing exactly the opposite interest. I cannot imagine that the clients would have been happy with those non-existent Chinese walls. The matter is clearly one of public interest.

In recent years some firms have changed, and have begun to declare their clients, and it has not been the end of the world. Life goes on and the firms continue to thrive. Sovereign Strategy and Finsbury were originally very doubtful about publishing lists of their clients. Finsbury, with its influence in the financial world, thought that hedge funds would not be happy about the declaration of clients. Roland Rudd, to his credit, published his clients a couple of years ago and is making massive profits. He is still best buddies with Lord Mandelson and I think he has entertained the Leader of the Opposition to dinner at his house, so there is life beyond declaring clients. That is clearly something that the industry should make universal, as many people have suggested.

I was pleased that the Government acknowledged and encouraged some of the suggestions in the Select Committee report. I, too, have heard rumours about changes in the drafts of the report. I even heard that it was so important that it went to Lord Mandelson himself, and that he made comments. I do not know whether it is true that it achieved such elevated heights, but it is interesting that the industry was a little disappointed that the Government perhaps did not find the words—I hope that the Minister will find them today—to be a little more assertive about the need for the declaration of clients. The chair of the Association of Professional Political Consultants, Robbie McDuff, said

> "we are somewhat disappointed that the Government has not sought to encourage those who choose not to follow the self-regulatory route".

I, indeed, asked the Library for comments of Ministers in the past decade supporting self-regulation, if that is the policy on the declaration of clients by multi-client lobbyists. The Library reply was that Ministerial comments on the subject were elusive.

Today's debate is a chance for the Minister to avoid doubt. To be fair to the Opposition Front Bench, the shadow Cabinet Office Minister, the right hon. Member for Horsham (Mr. Maude), has said:

> "Public affairs firms should publish all client lists and their full-time and part-time staff. If this is not undertaken across the whole industry by a process of effective self-regulation, Conservatives are warning that pressure will mount to subject the industry to statutory regulation."

I hope that we can get unity on the Front Benches today and that the Minister will issue similar declarations. I shall make some practical suggestions about that.

My hon. Friend the Member for Great Yarmouth (Mr. Wright), the Chairman of the Select Committee, mentioned the role of lawyers, in the firms that bring them together with public affairs. There is much merit in his suggestion that there is no other way to approach this matter than by a statutory register. However, let us not let the DLA Pipers of this world get off the hook by saying that they cannot sign up to a voluntary register because of Law Society rules. They can clearly do that, should they choose to. I wrote to the Solicitors Regulation Authority, which is the regulatory body in this instance, and asked whether firms such as DLA Piper could, if they wanted to, sign up and declare their clients on a voluntary basis, and quoted the European Commission's voluntary scheme. It wrote back:

> "We do not think a lawyer's duty of confidentiality presents an automatic bar to lawyers being included in the initiative."

It continued by saying that

> "provided that membership imposes no requirement which conflicts with a solicitor's professional duties (such as, for example, a *retrospective* obligation to publish clients' names) there is nothing to prevent a solicitors' firm becoming a member of the APPC"—

or presumably the public affairs council—

> "or a similar organisation. The member firm could meet the disclosure requirements of that Association, and therefore the requirements of transparency, by making the client's consent to the disclosure a pre-condition for acting."

Thus, all that firms such as DLA Piper need do when they take on new clients would be to say, "In future we are going to declare all our clients." They could not do that retrospectively, but they could do it in future, and happily remain members of the Law Society and sign up to the code. It is making an excuse and hiding behind the Law Society, when it will not do that. I hope that that firm, and firms such as Bell Pottinger, will review their position and sign up.

We are where we are, as they say, and are coming up to a general election. We have very few weeks left. I hope that Ministers, and the Opposition, can give a further boost to the campaign for all multi-client lobbyists to declare their clients. There are certain things that they could do. For example, the public affairs council is being set up. There all sorts of weaknesses and hesitancies about the organisation, as it is formed, as there are with any new organisation.

Sir Philip Mawer, who I understand is responsible for the new body, and an independent figure of some repute, has said on the record that self-regulation works only if everyone is involved. I have confidence in him and believe he wants to do a good job, but it is difficult to weld together a multitude of organisations. In the first instance, it appears that each organisation will be responsible for its own disciplinary code, but I hope that in future there will be one code.

I also hope that the public affairs council will look carefully at those firms that divide themselves. Bell Pottinger is an example, as it is a member of the Chime group of public affairs companies. One member of that group, Good Relations, declares its clients and is a member of the various self-regulatory bodies, but Bell Pottinger is not. If a company is to be a member of a self-regulatory organisation, the whole organisation should sign up to its principles, not just one arm of it.

Another group that falls into that category is the Huntsworth group, which has a variety of public affairs firms under its wing. Of those, Citigate and Grayling declare their clients, but Quiller does not. A gentleman called George Bridges recently left Quiller to work for the Conservative Front-Bench team, and one of the public relations newspapers has argued that, because he was one of the main reasons for many people signing up to Quiller, the company would suffer from that loss. Clearly, if one part of a group is signed up to declaring its clients, all should be. I challenge the public affairs council, if it is to be credible, to insist on that. It cannot have part of a group declaring its clients and another part not.

I urge the Minister to consider whether it is beyond the pale for her to commit to writing to all major public affairs companies, urging them to declare their clients. Is it beyond the pale for her to write to the FTSE 100 companies and urge them that the next time they contract a public affairs company they do so with one that publicly declares its clients and is involved in the public affairs council? I offer the same challenge to the Opposition: would the hon. Member for Braintree (Mr. Newmark) be prepared to write such letters to the top lobbying companies, and to the FTSE 100 companies to urge them to employ lobbyists who adopt the highest ethical rules?

If we are serious about self-regulation, which both the Government and the Opposition are committed to, we have to take further action. We in Parliament must look at a report produced by the Committee on Standards in Public Life a couple of years ago, which stated that consultancies that service all-party groups should adopt those standards. There are probably things that Parliament can do to encourage that.

I am in a particular position this afternoon—I do not know whether Lord Mandelson is watching, but if he is, the Minister knows that I can just lose any note he sends. This is a decision that she can make on her own, but I hope that she will at least consider the suggestion. I hope that the likes of Lord Bell and Peter Bingle of Bell Pottinger, and Alan Parker of Brunswick, who are in danger of becoming the Arthur Daleys of the public affairs industry if they hold out against the declaration of clients, will also heed the call from the Opposition Front Bench. I am sure that the Treasury Bench will today call on those companies to join the modern world and declare their clients.

3.24 pm

Mr. Gordon Prentice (Pendle) (Lab): Lord Mandelson, whether or not he is watching the debate, will know what my friend the hon. Member for Selby (Mr. Grogan) said this afternoon.

I shall be brief and have only two or three points to make, the first of which is about the context in which we are discussing the matter. We need more transparency in our politics. People's trust in politicians is at an all-time low. We have all, collectively, been seared by the MPs' expenses business. I had a debate in this Chamber on this subject in February 2009, which was just about the time that we were reading about Lords for lobbying: peers who had been approached by fake lobbyists and asked to do their bidding. Two of those peers were suspended from the House of Lords, which was unprecedented. That has never happened before, and I hope it will never happen again.

We pick up our newspapers and read about former Ministers. One of yesterday's plotters has a £60,000 to £70,000 contract with Alliance Boots, and she used to be the Secretary of State for Health. Any number of former Ministers are doing two jobs, and we should know more about that. There is a public interest imperative in having the greatest transparency possible. We need to know where power lies and how it is exercised.

In February's debate, which took place nearly a year ago, I reminded colleagues about Derek Draper's famous claim in 1998—he used to be very close to Lord Mandelson and perhaps still is—that there were 17 people in the new Labour Government, that he knew them all and that he could introduce people to them. That was disgraceful, and something should have been done about it. We can only deal with the Derek Drapers of this world by making lobbying open and transparent.

The Committee's report calls for a mandatory register. My friend the Member for Selby mentioned the Committee on Standards in Public Life. I put the question of a mandatory register to Sir Christopher Kelly at the meeting we had back in February, and he agreed that there should be one. There is no other way of addressing the issue.

My friend the Member for Selby mentioned the position of solicitors and the Law Society. Any number of law firms have a lobbying branch. DLA Piper is one such firm, and its lobbying branch is Global Communications. Eben Black from DLA Piper appeared before our Committee—I dare say he has written to colleagues—claiming that the solicitor's code, which prohibits the publication of client details, also covers people, such as him, who are not solicitors. The Law Society has also been in touch with the Committee to say that client confidentiality will prohibit the disclosure of client names. The only way around that is to go for a mandatory register in statute: a statutory register. Eben Black and the Law Society are in favour of that.

My friend the Member for Selby mentioned some kind of compromise, but I do not think that it would be workable to tell solicitors that new clients have to be disclosed while existing clients could not be. That would put older clients, if I may so term them, in a more advantageous and privileged position than newer clients. It is just too complicated. It will never fly, so we need a statutory register.

Colleagues have mentioned examples from overseas. We do not need to reinvent the wheel. The United States, which was mentioned by my friend the Member for Cannock Chase (Dr. Wright), is a bad example. Politics in the United States is polluted by the need to raise millions and millions in campaign finance. A better comparator for us is Canada. It is unfortunate that we did not visit Ottawa when we were in north America to discuss how lobbying is managed there, but we have the advantage of the annual report of the Office of the Commissioner of Lobbying of Canada.

I have said many times that Canada is a sister democracy. Its system is probably the closest anywhere to what we have in Westminster. The Canadians first legislated on lobbying back in 1989, and they have progressively tightened the rules. The commissioner makes four points on the front page of the annual report:

> "Free and open access to government is an important matter of public interest;
>
> Lobbying public office holders is a legitimate activity;
>
> It is desirable that public office holders and the general public be able to know who is attempting to influence government;
>
> The system for the registration of paid lobbyists should not impede free and open access to government."

[Mr. Gordon Prentice]

That is simple; there is not a huge bureaucracy. A new Lobbying Act in 2008 created the post of Commissioner of Lobbying. Everything is in the report, which can be accessed on the web pages. It states that lobbyists have to put in monthly returns to say who they are lobbying. Such transparency is testimony to the health and vibrancy of Canadian democracy.

My friend the Member for Leicester, West (Ms Hewitt) has a part-time job with Boots the Chemist, but in Canada, there is five-year prohibition on designated public office holders taking such positions, although it can be waived by the commissioner in certain circumstances. Five years—here, people move seamlessly from Whitehall and Westminster straight into commerce in a matter of months.

In addition, our system is not policed. The Advisory Committee on Public Appointments will tell ex-Ministers, perhaps Defence Ministers who have been responsible for billion-pound budgets, that they should not lobby for six months or 12 months, but that is never policed, and we do not know what whisperings go on behind the curtain.

In view of that, I was disappointed by the Government response. No disrespect to the Minister, but I thought that it was limp and feeble—words that were used by the Leader of the Opposition yesterday. When the Government published their response in October 2009, the Alliance for Lobbying Transparency stated:

> "The Government has dropped the ball on political reform—and ignored public concerns—by refusing to force lobbyists to operate in the open.'"

That is what we are talking about.

This nation spends £79 billion of public money in the commercial sector every year. The lobbing industry is worth £2 billion, but we do not know who is influencing whom, and that is wrong. It runs against the whole current of opinion. I cannot understand for the life of me why the Government took this decision, which runs counter to what I believe that we as a Government have been trying to achieve.

I do not know where this leaves us. We are at the fag end of this Parliament, and many of us will not be here for the next one, whether voluntarily or involuntarily. We could have a new Government, but I share the view of my friend the Member for Cannock Chase that the issue will not go away. I predict that within four or five years we will have a statutory register of lobbyists and we will bring this practice out of the shadows and into the open.

3.35 pm

Mr. Nick Hurd (Ruislip-Northwood) (Con): It is a pleasure to serve under your chairmanship again, Mr. Benton. On behalf of the packed ranks of Her Majesty's Opposition, I wish the Minister a very happy birthday. One is not 30 every day, as I think you know, Mr. Benton, so I hope that she puts on her dancing shoes tonight.

I congratulate the Select Committee on its report. The Committee matters, because it has a habit of picking on important subjects a little ahead of the curve and applying itself to them with considerable incision and persistence. The report does it a great deal of credit. I certainly learned much from it, not least about possible lessons to be learned from international spheres of regulation. The hon. Member for Pendle (Mr. Prentice) spoke well on that.

I congratulate the Chairman, the hon. Member for Cannock Chase (Dr. Wright), on the elegant way in which he framed this debate and on his typical modesty in the words that followed his comments on being heir to the throne.

I congratulate the hon. Member for Selby (Mr. Grogan) on stepping up to the plate and playing the role of a speaking Parliamentary Private Secretary to such effect. I understand that there are 12 PPS vacancies in the Administration, such is the reluctance of Labour Back Benchers to serve the current Prime Minister. I can only assume that after today's performance, the number is down to 11. I hope so, not least because of the robust position that the hon. Gentleman took with his own Minister.

I also congratulate the hon. Gentleman on the proactive part that he has played in triggering the interest of the Committee in this important issue, because there clearly is a risk here. He and the Chairman were very clear on the risk of a blow-up. The Chairman was right about how this place operates: if something must be done, a mentality takes over, and there is the risk that we will probably do something entirely disproportionate to what has occurred. Therefore, it is important to try to look at this proactively and relatively calmly.

The context is exactly as the hon. Member for Pendle described: we are operating in an atmosphere of low—arguably, zero—trust. We have, in effect, destroyed confidence in Government institutions at a time when the country needs to have confidence, and we are engaged in the painstaking process of rebuilding it.

This is not just about MPs' expenses. I do not know what the experience of colleagues has been, but certainly in my constituency, I hear a voice of anxiety—anger—about how decisions are taken. In part, it is about the remoteness of decision making, and the feeling that communities are not involved or listened to. The hon. Member for Luton, North (Kelvin Hopkins) spoke about the effects of centralisation in the process. There is also anxiety about the way in which the Government make up their mind on things and then consult. In my part of the world, the words "public consultation" and "sham" are synonymous.

There is also real anxiety about undue influence on the decision making of the Government. That came home to me when I was speaking to a conference of voluntary organisations, as the Minister does regularly as well. I remember vividly a lady shouting at me from the back, full of anger, about her perception of the influence that pharmaceutical companies had on the Government. I have no means of knowing whether she was right or wrong, but she had strong feelings and influenced the audience.

I recognise such passion and anger because it is what my constituents and most of the residents of Hillingdon feel about the decision on the third runway at Heathrow. The process was inflamed by a perception that the Department making the decision was far too close to BAA—the major beneficiary of the decision. The Freedom of Information Act 2000 was extraordinarily useful to my colleague, my hon. Friend the Member for Putney (Justine Greening) in exposing that unhealthy proximity in that process.

Kelvin Hopkins: Will the hon. Gentleman not agree, though, with the point that I made about the role of Downing street in respect of BAA? It was not just about the Department; those decisions were made in Downing street, where the lobbying took place.

Mr. Hurd: I cannot prove or disprove that. I am trying to get across the public perception that the decision was over-influenced by BAA's access to and privileged relationship with the Department for Transport. The reality is one thing. However, I am more concerned about the perception and how it compounds public unease about the way that decisions are taken by those who govern in their name.

I congratulate the Committee, because we need to look at this issue more closely. The balance of the report looked at those doing the lobbying, notwithstanding the powerful statements made by the hon. Member for Pendle on the need for greater policing of what happens, for example, to Ministers once they leave office with their freedom to pursue gain elsewhere, and the need to look again at the system of regulation there.

I found the report persuasive in its message that the current system of self-regulation is not effective, for the reasons stated, including a lack of consistency and the lack of one trusted body. Although it has not been picked up so far in the debate, the point was well made about it being difficult for the three organisations to combine the role of being effectively a trade association that is dependent on members and a regulator of those members. That dynamic and tension is unsustainable.

The third point made by the report, which was persuasively argued, was about there being no evidence of an effective complaints process in this system.

The report was clear, and the line of the Committee was clear, about the need for a new body to enforce standards and a mandatory register of contacts. I found the Government's line less clear, when it eventually came—we will return to that. The hon. Member for Pendle described the Government's response as limp and feeble, and I agree. I was certainly disappointed with it. The Government's line seems to be that they prefer to focus on those who are lobbied, rather than on those who are doing the lobbying. In that context, I welcome the move to produce quarterly publications of information about ministerial meetings, which is a welcome development. I share the view of the hon. Member for Luton, North that that should be extended to senior officials as well, because as the hon. Member for Pendle said, the move to greater transparency is inevitable and we must go with it.

I was less clear about the Government's view in respect of the need for a register. They [illegible] clearly come down on the side of more effective voluntary self-regulation, which is our instinct as [illegible] but the Committee Chairman described their response as "gnomic"—not a word that I would ever use to describe the current Minister; certainly not on her birthday—and I agree. The response is unclear in that regard. The Committee Chairman cited the following quote:

> "The Government agrees that any system of regulation …voluntary…or statutory…requires a register of lobbyists to ensure that lobbying activity is transparent."

But a few pages earlier, a large section is given over to expanding on the possible risks of mandatory registration, as outlined by the Committee on Standards in Public Life. The message from the Government is not clear enough in this respect. I should like to press the Minister to be clear, because if we are to go down the path of more effective voluntary self-regulation, which is our instinct, we need to send a much stronger signal to the industry than the Government's response delivers, particularly on the need for greater transparency. The hon. Member for Pendle was powerful in that regard, but we endorse that principle.

The hon. Member for Selby kindly quoted my right hon. Friend the Member for Horsham (Mr. Maude), who said:

> "Public affairs firms should publish all client lists and their full-time and part-time staff… The Solicitors' Code of Conduct should also be amended so solicitors' firms who engage in public affairs work can disclose their lobbying clients".

I should like the Government to be clearer on their position. I get no sense from their response about a big stick being waved in the direction of the industry and no sense of urgency. In fact, they have taken a long time to say very little indeed.

I close my remarks with three questions to the Minister. First, why the delay in responding? I am not a member of the Committee, so I am not privy to the correspondence or the explanations given, but a change of Ministers is not a sufficiently good response in respect of a delay of nine months in responding to such an important report—seven months more than the parliamentary protocol dictates. I should like the courtesy of some explanation for that unusual delay in responding.

Secondly, if the message is, "We want to see more effective self-regulation," what will the Government do to assess the response of the sector? The Government response is silent on the process from here on and silent on a timetable. This is an opportunity for the Minister to place on the record a much stronger message to the lobbying industry, saying that if it fails to self-regulate effectively, it should be prepared for intense pressure from Parliament to legislate to ensure greater accountability.

Thirdly and more specifically, we are concerned about a trend within lobbying for public sector organisations to hire lobbyists effectively to lobby the Government. We published a dossier called "Government Lobbying Government", which identifies some £10 million of public money being used apparently in this circle of public sector organisations—predominantly quangos—lobbying Departments for funds or legislative action. That strikes us as unhealthy and quite wrong in the current climate of concern about public expenditure. We draw the Government's attention to the action in the United States, where the Byrd amendment of 1996 prohibits the use of federal contracts, grants, loans or moneys to influence, or attempt to influence, the Executive or legislative branch. The Federal Acquisition Streamlining Act of 1994 states that moneys derived from Government contracts in excess of $500,000 cannot be used to fund the influencing of legislative action, directly or indirectly.

I should like the Minister to place on the record her position on the Government's approach to clamping down on public money being used by public sector companies to lobby the Government.

I congratulate the Committee on an excellent report that throws some useful light into some potentially dark corners.

3.48 pm

The Minister of State, Cabinet Office (Angela E. Smith): It is a pleasure to serve under your chairmanship yet again, Mr. Benton, and I welcome you to the Chair.

I congratulate my hon. Friend the Member for Cannock Chase (Dr. Wright) and the Committee on securing this debate and on the work that they have done preparing the report, which all hon. Members agree is timely and useful. I assure my hon. Friend that there is nowhere else I would rather be on my birthday, particularly because this is the warmest place in the House of Commons at the moment. I also thank my temporary honorary Parliamentary Private Secretary, my hon. Friend the Member for Selby (Mr. Grogan), who has done great service today, both in his comments and his efforts on my behalf.

The Select Committee on Public Administration has conducted the first parliamentary inquiry on lobbying for almost 20 years. The word "timely" has been used several times, as the work was needed. The Committee produced two reports on this issue, the most recent coming before the Christmas recess.

Before I go any further, it is appropriate that I apologise unreservedly for the time that it took the Government to respond to the Committee's original report. As I said when I provided the Government's response and when I went to the Committee last July, no discourtesy to the Committee was intended. I had hoped to get the response to the Committee prior to recess. Another week before recess and that would have happened. I am sorry that that delayed it further. I will ensure that the Government's response to the further report will be with the Committee shortly.

I should perhaps confess an involvement in this issue, as before I became a Member of Parliament, I lobbied MPs, including members of the Committee—my hon. Friends the Members for Pendle (Mr. Prentice) and for Newport, West (Paul Flynn). I think that I was what my hon. Friend the Member for Luton, North (Kelvin Hopkins) would call a good lobbyist. I worked for the League Against Cruel Sports, but I did not call myself a lobbyist at the time. I was a parliamentary officer, and I did various work around Parliament, and political work in general, lobbying for the abolition of hunting and wildlife protection.

The Committee's inquiry into lobbying took a broad look at the contact between those working in the public sector and those attempting to influence their decisions. The Government's response to the Committee's original report stated:

> "Lobbying is essentially the activity of those in a democracy making representations to government on issues of concern. The Government is committed to protecting this right from improper use".

The Government agree with the Committee that there is still more to do in order to provide the public with greater reassurance that when lobbying takes place, it does so within a framework that upholds the highest standards of propriety and prevents improper influence or access. That includes the need to ensure that appropriate rules and measures are in place to govern the acceptance of outside business appointments by Ministers and Crown servants on their leaving office. The Advisory Committee on Business Appointments is an independent committee that deals with such matters, and I will return to its work later in my comments. I am aware that, in November, the Public Administration Committee held a pre-appointment meeting with Lord Lang of Monkton, who is now the chairman of the advisory committee.

Perhaps I can touch on the issue of transparency. When responding to the Committee's original report, the Government took further steps, which were welcomed by my hon. Friend the Member for Cannock Chase, to ensure that appropriate and proportionate measures were in place for those who are mostly in discussion with lobbyists—Ministers and civil servants. For Ministers, the Government accepted three key recommendations. First, information about hospitality received by Ministers in a ministerial capacity and valued at more than £140 will be published quarterly and online by Departments. Information for the period between 1 October and the end of December last year is being collated and will be published as soon as it is ready. When providing that information, the Government have decided that the threshold for Ministers should be the same as that currently set for the declaration of gifts—both given and received—which is £140. That is considerably lower than the threshold for both MPs and peers, for whom registration would normally be required for hospitality valued at around £650 for Members of the House of Commons, and about £1,000 for Members of the House of Lords.

Secondly, information about Ministers' meetings with outside interest groups will be routinely published by the Department—again, I am pleased that that is welcomed by the Committee. It will be published quarterly and online, and information for the period of the three months to the end of December is being collated and will be published as soon as it is ready. That information will include the name of the Minister holding the meeting, the date of the meeting, the organisations present and the principal subjects discussed.

Thirdly, in response to the Committee, the Government have committed to updating and publishing online the list of ministerial interests by the Cabinet Office every six months. The list is not an account of all the interests held by Ministers or their families, but it contains interests that are—or could reasonably be perceived to be—directly relevant to a Minister's public duties. The first ever list was published in March last year, and the process has already increased transparency and confidence in the application of rules designed to prevent conflicts of interest.

I turn to the recommendations concerning civil servants. Last February—again for the first time—the Government published a list of hospitality received by members of departmental boards. That was taken a stage further when, in response to a recommendation by the Committee in its original report on lobbying, the Government agreed to extend the coverage of the list to include hospitality received by senior civil servants at director general level and above. Extending the hospitality publication to cover the most senior officials, and also to include their official expenses, is an important part of the Government's commitment to account to the taxpayer for the use of public money.

I appreciate that the Committee wanted the Government to go further in relation to senior civil servants. In its further report, the Committee recommended publishing information about meetings between the most senior officials and outside interest groups, and publishing the relevant private interests of the most senior civil servants—director general and above—and the equivalent employees of public bodies. The Committee did not consider that that would place a disproportionate burden on Departments and agencies, but the Government took a different view and considered that, in respect of meetings with outside interest groups, publication of such information would be disproportionate. There are more than 4,000 members of the senior civil service, and around 210 at director general level and above. In respect of relevant private interests, the interests of board members are already publicly available as part of a Department's annual report and accounts. I assure my hon. Friends that the level of disclosure will be kept under review and we will continue to bear in mind the recommendations of the Committee.

In response to another recommendation by the Committee, the Government have produced and circulated to Departments guidance that sets out best practice for compliance with the principles-based approach for the receipt of hospitality, as set out in the civil service code and the civil service management code. My hon. Friend the Member for Cannock Chase said that he was glad that the Government had accepted some of the Committee's proposals to increase transparency in areas directly involving Ministers and civil servants. Accepting the recommendations made by the Committee in respect of Ministers and civil servants clearly demonstrates that the Government are committed to greater transparency.

I would like to mention the Advisory Committee on Business Appointments. In November, the Public Administration Committee held a pre-appointment hearing with Lord Lang of Monkton, who was the Prime Minister's preferred candidate for the post of chairman of the advisory committee. Although the Public Administration Committee had some criticisms about process and the issue of business interests, it subsequently reported that it was

"satisfied that Lord Lang has the professional competence and personal independence required for the post of Chair of the Advisory Committee on Business Appointments as it is currently constituted.".

My right hon. Friend the Minister for the Cabinet Office and for the Olympics, and Paymaster General, has been in correspondence with my hon. Friend the Member for Cannock Chase in relation to the appointment process for that post. The Committee's recently published further report makes a number of observations about the make-up of the advisory committee's membership.

The Government continue to take the view that the advisory committee's unique remit, which is narrowly focused and confined to individual casework for a relatively small number of people, calls for a membership with first-hand experience and understanding of the business appointment rules and procedures, in order to have credibility in the areas on which they advise. The Government have committed to reviewing the outcomes of the recent refreshment of the advisory committee, and we will work on that with the commissioner for public appointments. The commissioner has welcomed that review, and as part of it we will include consideration of the points that the Committee has made on the appointments process.

In consultation with the advisory committee, the Government are reviewing and revising the detail of the business appointment rules for Crown servants, and the parallel rules for former Ministers, to ensure that they are effective and clear for applicants and Departments. I reassure the Committee that there is no question of the Government having prejudged the outcome of that exercise, and the Committee took that view in its recently published further report. The Government are clear that the business appointment rules should continue to reflect the high-level principles set out in the seven principles of public life, which were drawn up by the Committee on Standards in Public Life under the chairmanship of Lord Nolan.

Today's discussion has centred largely on the regulation of lobbyists, but I would like to touch on the further report that was published before Christmas. Members of the Select Committee and the hon. Member for Ruislip-Northwood (Mr. Hurd) sought further clarification from the Government about the process they are establishing for reviewing progress made by the lobbying industry on voluntary self-regulation, and particularly on how the Government intend to assess whether the progress is adequate and the likely time scale. I would like to summarise the position so far. The Committee is aware that three representative bodies are involved: the Association of Professional Political Consultants; the Chartered Institute of Public Relations; and the Public Relations Consultants Association. Under the umbrella of the public affairs council working party, they published an issues paper last May that set out options for the creation of a new system of voluntary self-regulation. The working party subsequently proposed a stronger system of independent—but still voluntary—regulation of the industry, based around a voluntary register and an enforceable code of conduct.

Following that, in November, the three representative bodies consulted their respective memberships on the proposals to form a public affairs council. The working party's letter to my hon. Friend the Member for Cannock Chase, which is published as an appendix to the Committee's further report, makes clear that the three representative bodies not only have consulted widely on proposals for the establishment of a new voluntary self-regulatory regime, which would operate under the oversight of the proposed public affairs council, but have also set up a public affairs council implementation team to take forward those proposals.

The public affairs council implementation team is independently chaired by Sir Philip Mawer. I know that the House and the Committee regard Sir Philip as a person of the highest integrity who will do his utmost to ensure that the lobbying industry takes the opportunity to make a success of the proposed voluntary system of self-regulation. Although we talk about voluntary self-regulation, it is important that there is also an independent element in all this work.

Mr. Gordon Prentice: My friend may be coming on to this point, but I would like her to address the issue of law firms with a lobbying arm. Eben Black, whom I have mentioned already, says in his letter to me that his firm

"cannot sign up to a voluntary regime requiring disclosure of clients, as suggested by the 'Public Affairs Council'"

because of the duty of confidentiality set out in the solicitors code. How does the voluntary register work when legal firms will be outside it?

Angela E. Smith: I think that Sir Philip Mawer will look at this. I am not convinced that there is a legal obstruction to such firms signing up and joining. It seems to me that with the Law Society, for example, it is the code of conduct that says that. I think that we need to consider this further. We are in dialogue with the Law Society to consider the issue, and we must keep those channels of communication open. I shall come on to this point in more detail, but I would want to see a wide spread of people signing up to the council.

What I can tell my hon. Friend the Member for Pendle, which may be helpful, is that Sir Philip has accepted the position only because he believes that there is a genuine will in the lobbying industry to ensure that a new and more effective system of regulation is created. He has asked for all those involved in the implementation process to agree by Easter the arrangements to implement the new system.

Mr. Hurd: As I understand it, the duty of confidentiality is driven by a code of conduct, which presumably could be changed if there was the will to do so. It is not a legal requirement; it is just a code of conduct.

Angela E. Smith: Yes, absolutely. If the organisations wish to change their code of conduct, it is open to them to do so. As I said, it is not a legal obstruction at all.

The aim of the implementation team is to resolve the issues that need to be dealt with to set up the public affairs council. One of those issues is to oversee the appointment of an independent chairman for the council. In its further report, the Select Committee said that the council should be chaired by a

"senior independent person of stature".

I agree. I understand that the chairman of the council will be appointed on merit through open competition and that the post will be advertised. I am sure that, in appointing the chairman of the council, the lobbying industry will wish to ensure that there is also an independent element in the selection process.

I understand that the memberships of all three representative bodies are being consulted and the indications are that they will be broadly content with the proposals to form the council. The three representative bodies anticipate announcing shortly a detailed and agreed framework for voluntary self-regulation, and putting in hand by Easter arrangements to establish the council.

In its latest report, the Committee picks out two aspects of the arrangements surrounding the proposed public affairs council: the desirability of membership of the council being open to as wide a range of people involved in lobbying as possible—that would include the point made by my hon. Friend the Member for Pendle about solicitors—and the desirability of a single set of ethical standards applying to all those who come under the umbrella of the council. Again, I agree. I consider that one of the main tests of the proposed new system will be universality—whether the vast majority of those involved in lobbying are taking part. That view is shared by Sir Philip Mawer, whom the Committee quoted in its original report as saying in April 2007 that

"self-regulation only works if it is of general application throughout the industry".

I think that that is the quote that my hon. Friend the Member for Selby sought.

I understand that the organisations working on the establishment of the public affairs council agree that membership of the council should be as open as possible and that a set of ethical standards should be applied—in my view, those are essential. It is for the industry to make a success of a system of voluntary self-regulation and to ensure that a single set of ethical standards are applied and quickly implemented.

The Government remain of the view, as set out in response to the Committee's original report, that any system of regulation, whether voluntary self-regulation or statutory regulation, requires a register of lobbyists to ensure that lobbying activity is transparent. The Government believe—this might help the hon. Member for Ruislip-Northwood on the clarity point—that the industry should be given the opportunity in the first place to produce and maintain such a register. The industry ought to ensure that the register should, as a minimum, be publicly available and contain the names of individuals and organisations carrying out or advising on lobbying and the details of any third-party interests that they represent, as my hon. Friends the Members for Luton, North and Selby said.

I appreciate that there was not a universal welcome for all aspects of the response from the entire Committee, but I welcome the general comments made and the broad welcome for it from my hon. Friend the Member for Cannock Chase. I appreciated the tone of his response. My general impression, as someone who has been on both sides of the fence, even though in a slightly different capacity, as my hon. Friend the Member for Luton, North acknowledged—

Mr. Grogan: Could I ask the Minister to be a little stronger? Is she urging all lobbying firms—all multi-client lobbyists—to publish their clients' names, and is she urging them all as firms, rather than just as individuals, to get involved with the new public affairs council, a condition of which will be to publish all their clients' names? Does she urge, in particular, Bell Pottinger to publish its clients' names, and indeed all of them?

Angela E. Smith: That is jumping a little ahead of the game, as that will be a matter for the public affairs council. I would have thought, though, that any firm would be happy to publish its clients' names. I do not see what the objection would be from any firm to publishing its clients' names when that is in the interests of transparency, but that will be a matter for the public affairs council to take forward. It is one of the issues that we have raised—the register containing the names of individuals and organisations carrying out or advising on lobbying.

Mr. Grogan: The Minister tempts me. There was a suspicion that the response was watered down with the change of Minister. With the greatest respect, I urge her to say—the words have not passed her lips as they have passed the Opposition's lips—that all multi-client lobbyist firms should declare their clients and do so forthwith. Surely such a pronouncement, from such a senior Minister, is possible.

Angela E. Smith: As tempting as my hon. Friend's invitation is, what I have said is on the record. The register should be publicly available and contain the names of individuals and organisations carrying out or advising on lobbying and the details of any third-party interests that they represent. That is the minimum that we would expect of the register. As I move on, the other comments that I make may be helpful. As I said, I have been on both sides of the fence on this issue, and I am convinced that the majority of lobbying takes place in a legitimate and beneficial way. My hon. Friend the Member for Cannock Chase made the point that MPs are themselves lobbyists for their constituents on issues of concern. However, we must do significantly more to ensure that lobbying takes place in an appropriate framework and to provide the public with greater reassurance that that is the case.

Mr. Gordon Prentice: This is just on the back of what my friend the Member for Selby said. I do not want to labour the point, but I am told that the Solicitors Regulation Authority will not change the code of conduct that prevents legal firms from disclosing client lists, so will the Minister urge the authority to examine that issue and perhaps amend its code to allow for the publication of clients?

Angela E. Smith: I do not really understand why, if the solicitors body thinks that it is appropriate for it to sign up to the register, it thinks that it needs legislation to do so. In fact, I see no objection to it changing its code of conduct. I cannot understand the reluctance to change a code of conduct to sign up. I hope that it would want to sign up. That will be one of the issues that I want to discuss with Sir Philip Mawer as well.

The hon. Member for Ruislip-Northwood asked that I employ a big stick. I sometimes prefer a carrot to a stick, but both can be employed when required. I think that hon. Members would agree that it is very important that, whatever we do, we do not exclude the rights of individuals, charities and others individually to lobby Members of Parliament or Ministers. The lobbying industry is aware that I am keeping a very close eye on the progress that it is making in respect of establishing the council and a publicly available register of lobbying activity.

Dr. Tony Wright: I am not sure whether this is a carrot question or a stick question, but it is just for the purposes of clarity. My right hon. Friend is being very helpful in describing what she thinks the necessary ingredients of any serious self-regulatory structure are. When we reach the point at Easter when we see the shape and details of what is being proposed, we shall have to make a judgment about whether it meets those tests. What will the Government do if we arrive at an unsatisfactory position, which does not have universal scope, the right amount of coverage, enforcement or a register that satisfactorily includes everybody?

Angela E. Smith: That is one of the biggest questions on the issue. If we do not get this right, the Government have not said that there will not be an opportunity for a statutory register in future, but the industry should be given the opportunity for voluntary self-regulation. There is now an opportunity for the industry to meet that obligation. Between now and Easter, I shall meet with Sir Philip Mawer and the implementation team to ensure that we reach that point. If at Easter we are not satisfied that adequate progress is being made, the Government will think again and review the position. I will obviously discuss it with my hon. Friend the Member for Cannock Chase if we get to that point. I share something of Sir Philip's confidence that there is an indication from and real will in the lobbying industry to make such change. I hope not to be disappointed and will be monitoring the position to ensure that I am not.

Kelvin Hopkins: My fear, which I am afraid the Minister has not reassured me on, is that the big fish I am interested in will just get away. We may get 99 per cent. of lobbyists such as the ones that I am associated with; some of them might like to be on a voluntary register as it would give them higher status. I am sure that CND would be very pleased to be on a register of lobbyists—"We're lobbyists, we're doing a good job". However, the big fish, the big contracts, the money and the global corporations will find their way through and not be caught.

Angela E. Smith: That is why I said that universality was so important. We do not want people slipping through the net. We want universality in signing up to the register.

Mr. Grogan: I am getting encouraged again, Minister. So, given that she wants universality, does she agree that all multi-client lobbyists should declare their clients? The words would be magnificent if she issued them.

Angela E. Smith: I think that I have been really clear on this. It is really helpful if all organisations declare all their clients. It is very helpful to have universality. Universality is essential. Those are the kind of issues that I will discuss with Sir Philip Mawer when I see him next week. I had hoped to satisfy the Committee, but I fear that I cannot satisfy everyone, even on my birthday. I hope that the meetings that I have with Sir Philip and representatives of the lobbying industry will ensure that speedy and effective progress is made to establish the public affairs council to take the issue forward in the way the House wants.

Question put and agreed to.

4.12 pm

Sitting adjourned.

Westminster Hall

Tuesday 12 January 2010

[MRS. JOAN HUMBLE *in the Chair*]

Exportable Benefits

Motion made, and Question proposed, That the sitting be now adjourned.—*(Jonathan Shaw.)*

9.30 am

Mr. Roger Gale (North Thanet) (Con): Good morning, Mrs. Humble. I am grateful for the opportunity to raise this issue and I hope that my voice will last long enough for me to place my concerns on the record.

Simon Morgan e-mailed me just before Christmas. He told me that his father had died on 12 December 2009. Chris Morgan and his wife had lived in Alicante in Spain and were endeavouring to secure the payment of exportable benefits. Let me quote from an article written by Chris Morgan for the *Costa Blanca News* in May 2009.

> "In the past, the Department of Work and Pensions…decided that anyone who was receiving a disability living allowance, carer's allowance or attendance allowance and moved to another EU country would not receive this allowance. In 2005, a 'test' case was put before the European Court of Justice…in an attempt to"

secure these benefit payments for

> "non-UK residents. On the 18th October 2007, the ECJ ruled against the UK but for the next 18 months the DWP procrastinated,"

saying

> "'We are considering the legal implications of a decision by the European Court of Justice and will inform you of the outcome when the result is known.' In March this year"—

that is, 2009—

> "we were informed by the DWP…that they were now able to look at our case. The letter went on to say, 'The ECJ have decided that certain UK disability benefits are to be considered sickness benefits. This means that they will be paid to some people who leave the UK to live in another EEA state or Switzerland.' The letter"—

to Chris Morgan—

> "then states, 'The decision affects Disability Living Allowance (care component only), Attendance Allowance and Carer's Allowance. These benefits can now be paid'"

if you satisfy

> "'certain eligibility conditions'…from a letter we received at the end of April…it would appear that the DWP have shut the door on ALL those, like us, who are already living abroad because this latest letter states, 'As you had not been present…in Great Britain for 26 weeks out of the previous 52 on the day you asked us to look at the decision again, you cannot get Attendance Allowance'".

The late Chris Morgan, eight months ago, summed up the Government's shameful position precisely and they have been wriggling on the hook ever since.

The UK/EU Disability and Carers Group, based in northern France, wrote to the Prime Minister recently, saying:

> "While you are busy deciding when you are going to comply with the European Court of Justice ruling…we…have received…the following message from the wife of one our members who resides in Spain, having gone there on doctor's"

orders

> "with the hope that it would prolong his life—as it did."

The letter says:

> "I am writing on behalf of my husband.
>
> They do not think he will last until next week. We are just waiting for the Army to fly in my two sons tomorrow and then they will increase the morphine and he will not be lucid. They say he is fading fast.
>
> The first thing he said this morning was, 'The DWP has won. I am going to die before they cough up…' The rest is unprintable."

My first question to the Minister is how many more UK citizens now living within the EU or in Switzerland will have to die without receiving the benefits to which they are entitled while this Government remain in breach of the law?

The Minister is aware that this is not the first occasion on which I have raised this issue in debate. He is aware that I have tabled parliamentary questions to his Department and have challenged the Prime Minister orally on the subject at Prime Minister's Question Time.

The Minister may find that he has a personal interest in this matter. Another claimant has written from his home in France to Revenue and Customs, declining to pay his tax. That claimant says:

> "For over six years I have been denied the Disability Living Allowance to which I am entitled under judgement of the European Court of Justice. I am very disabled and losing my sight, yet the DWP continues to squabble with the European Commission, which is now taking"

Her Majesty's Government

> "to court for failure to pay British citizens living in the EU the sickness benefits to which they are entitled under Community law. This sickness benefit would be tax-free, and exceeds the amount of my private pension, which you tax—like rubbing salt into an open wound."

Mr. Peter Atkinson (Hexham) (Con): I congratulate my hon. Friend on securing the debate and on the work he has done over a considerable length of time in sticking up for the unfortunate British citizens who have been so shamefully and dishonourably treated by the Government.

Several of my constituents reside in Spain on doctor's orders—my hon. Friend mentioned that earlier—because living in a warmer climate helps their disability. Recently, with the collapse of the pound against the euro, their financial situation has become much more urgent and that has added to the trouble faced by my constituents, my hon. Friend's constituents and those of all other Members.

Mr. Gale: I am grateful to my hon. Friend for his kind comments and his support: he, in common with a number of Members on both sides of the House, is seeking justice for that group of people.

As I said in the summer Adjournment debate—I will put it on the record again because it is relevant—setting aside the matter of law, which we will come to in a moment, there is an impression abroad that the people we are talking about are rich, have gone to the sun, saying, "The hell with the United Kingdom", and live in splendid retirement with big yachts and lots of drink, and that they do not need any benefits. My hon. Friend has made the point that a huge number of those people have gone south for the benefit of their health, because they have respiratory or other conditions, and are eking out an existence. The other important point, to which I will return, is that they have been UK citizens and taxpayers, and many still are.

[Mr. Gale]

The chap I mentioned a moment ago who wrote to Revenue and Customs lived—his family and all their friends still live—in the parliamentary constituency of Chatham and Aylesford. Some 50 Members of Parliament from all parties have a constituency interest in this subject, and I hope and believe that more of them will join us later this morning.

Many of the claimants have appealed against the DWP ruling. That is why they have sought the support of their UK Members of Parliament. I believe that the appeal process has been deliberately spun out by the Department. On 3 December 2009, my constituent, John Hamilton, noted that the Directgov website had been revised to read:

> "The Department for Work and Pensions…has selected a small number of these appeals…(known as lead cases). These have been sent for tribunal hearings. The DWP has requested that similar cases are suspended until the tribunal has made a decision.
>
> It is expected that the tribunal will not hear these cases until January 2010 at the earliest."

That is despite the fact that on 20 November 2009, tribunal Judge Jeremy Bennett ruled:

> "The Tribunal Service at Sutton shall establish the availability of the parties and their representatives before listing, subject to the proviso that the hearing must take place in January 2010 unless directed otherwise by a Judge hearing this case."

That was translated by Daniel Vickery, social security and child support appeals tribunals team leader at Sutton into the following request:

> "Could you please provide me with your availability for January and February."

My constituent, John Hamilton, has now been told to look at dates at the beginning of March, so Judge Bennett's ruling is effectively being pushed into the long grass.

In the meantime, what of the grounds for the Government's continued defiance of the ECJ ruling—the so-called past presence test, requiring a claimant to have lived in the United Kingdom for 26 of the previous 52 weeks to be eligible to claim? In response to one of my earlier parliamentary questions back in June, the Minister asserted:

> "The Department is already complying with the European Court of Justice ruling on the payment of exportable disability benefits."—[*Official Report*, 22 June 2009; Vol. 494, c. 680W.]

We now know that statement to have been ill-advised.

The European Commission website states:

> "The European Commission has decided to take legal action against the United Kingdom for not paying certain benefits"—

exportable DLA, attendance allowance and carer's allowance—

> "to EU citizens residing abroad."

Abroad in this case means within the European Union or Switzerland. On 9 October, the Commission addressed a letter of formal notice to the UK authorities. The British Government had two months to respond. That is the first stage of what is called the infringement procedure.

The British Government did reply within two months—just. However, in response to my question asking for sight of that response, the Minister for Pensions and the Ageing Society said:

> "Correspondence between the European Commission and the member states…on such cases is generally regarded…as confidential".—[*Official Report*, 8 December 2009; Vol. 502, c. 249W.]

I should like to know why. The infringement proceedings are in the public domain: why is the Government's response not in the public domain?

The clue might be found in the tardy answer, sent on 17 December, from the Prime Minister in response to my oral question to him on 11 November. It took the man in No. 10 more than a month to be able to tell me:

> "We have carefully considered the application of the 26 out of 52 weeks 'past presence' requirement and believe it to be compatible with European Community law."

So I guess that is what we said in reply to the Commission.

Perhaps it is a pity that instead of relying on his hapless junior Minister for advice, the Prime Minister did not read the Commission website for himself. It states:

> "British authorities require the claimant to have spent 26 of the previous 52 weeks in the UK…This requirement goes against the European rules coordinating social security benefits and justifies the Commission's decision to start an infringement procedure".

Nothing could be clearer. The Government of the United Kingdom are coldly and deliberately acting outside European law. That fact is confirmed by Jackie Morin, a member of the Commission's staff, in a letter to my constituent John Hamilton dated 3 December 2009.

Quite simply, the Government are in breach of the law and they are disingenuously using weasel words and artifice to try to deny to sick, elderly UK citizens who have served this country—many of them in the armed forces—and who have paid their dues throughout their working lives the money owing to them.

The situation gets worse. Overnight, I received an e-mail on the matter. Unfortunately, I have not been able to go back to the person who sent it to me to secure consent to name them, so I shall have to hand it to *Hansard* on the understanding that for the moment their anonymity is protected. The e-mail states:

> "In June last year (2009) I received a letter from the DWP Debt Collection for what they describe as an overpayment of £3,800 for Carers Allowance…I explained…that I had not left the UK permanently in August 2004"—

the date to which the attempted reclaim related—

> "had sold our property then, rented afterwards, and the pensions department were informed of change of address, and"

that I

> "had taken permanent residence in France at the beginning of March 2006. The lady I spoke to said she would call me back the following week, but did not…I received no phone call. I have received no correspondence until today."

That was 11 January. The e-mail continued:

> "My allowance was stopped at that time"—

March 2006—

> "and my husband, who is 72 years old and had suffered a massive heart attack (leaving his heart working at 70 per cent.), has diabetes, diverticular disease, asthma, arthritis and…mobility problems as a result…was awarded Attendance Allowance for life in 2003. I had to leave my full time job to become a £50 a week full time carer. Today I received a letter stating if I do not repay this amount"—

£3,800—

> "by the 19th of this month legal action will commence…we do not have any money, the house we live in belongs to our daughter"

and we

> "have no savings. We receive £160 per week which includes an allowance for me as a 'wife', and our daughter and son in law help us out financially. We do not even own a car. There is no way we can afford to repay…money, which I believe I do not owe anyway…as we are waiting for reinstatement of our benefits, which we have pursued since August 2006".

Mr. Atkinson: In the case of my constituent, who comes from Northumberland and moved to Spain a long time ago, when the move took place, he was told that disability living allowance would have to stop and he accepted that as one of the penalties of moving abroad. Then, when he discovered the result of the European judgment and reapplied for the allowance, he was told that he was out of court because of the past presence test; he had not lived in the UK for 26 weeks out of 52. This is a classic Catch-22 situation. He thought he had been deprived of disability living allowance, only to be told that if he was entitled to it, he could not have it because he did not pass the test as he had already moved from the United Kingdom.

Mr. Gale: I fear that the situation my hon. Friend describes applies in many cases and I shall come in a moment to what I believe may prove to be the Government's fall-back position, because I can see another area of wriggle room developing if we are not careful.

I believe that the Minister is not only an honourable but a decent man. I know him very well as a Kent Member of Parliament, and outside the Chamber as a friend. I also know that Ministers have to do the bidding of their civil servants, the Secretary of State and the Cabinet, and I know that the Cabinet is in turn leant on by the Treasury, which is seeking to save, for blindingly obvious reasons, every penny that is available. However, I hope that the Minister will believe that it is quite wrong of his Department to send out threatening letters to elderly and infirm people, seeking to claw back money that they do not owe; not only that, they are owed money by the United Kingdom Government.

Mr. John Randall (Uxbridge) (Con): I, too, pay tribute to my hon. Friend's doughty crusade on this matter. Has he any idea of the number of people involved and the sums involved?

Mr. Gale: Information is very hard to come by. The Minister may be able to shed more light; he has access to figures that I do not have. I know roughly the number of appeals that have been lodged. We are probably looking in total at between 2,000 and 3,000 cases across the whole European Union and Switzerland. The majority are in France and Spain or Majorca, and there are some in Greece and one or two others dotted around the European Union, but not many. With regard to the sums involved, the Minister is on record, I think, as saying that this situation could lead to a sum rising to £50 million annually. I am not quite sure what the justification for that figure is, so I hope that the Minister will have time to explain to my hon. Friend, the expatriate community and me how those figures are arrived at.

However, that is not really the point, is it? The point is that there is a legal requirement on the Government to pay the money. The point is that we are not dealing with people who have come from overseas to the United Kingdom and claim every benefit known to man, or the kind of people who are reported on the front page of the *Daily Express* today as using the United Kingdom as a social benefits milch cow by obtaining a national insurance number for future benefit use. We are not talking about people like that. We are talking about people who have devoted their entire working lives to the United Kingdom, who have paid their taxes, paid their dues, done everything right, served in the armed forces, given their lives to this country—for this country in some cases—and in retirement have chosen to live somewhere warmer and slightly more comfortable to end their days.

Those are the people we are talking about. Those are the people we are damaging. They are not ciphers or numbers—2,000 or 3,000. I do not care if there is only one of them; they deserve what the law says they are entitled to, and that is what the Government—our Government, my Government, the United Kingdom Government—are denying. I am ashamed of that.

I want to hear from the shadow Minister, my hon. Friend the Member for Forest of Dean (Mr. Harper), that a Conservative Government will honour their legal undertaking, and ensure that those people receive the money that is due to them or sadly, in some cases, to their estates. It is open to the Minister, even now, to recognise that the Government have acted shamefully and that they are wrong, and to agree this morning that his Department will pay all the money due to those who have had benefits terminated when leaving the UK, and have subsequently submitted fresh claims from the EU country of their current residence.

I want to clarify one further issue. For the avoidance of doubt or misunderstanding, and to satisfy the claimants and the European Commission, any such payment, which I believe will have to be made, will have to be backdated to the date of termination or of first claim. The Government can either choose to do that honourably and graciously now, or wait for the European Commission's infringement proceedings to take their course, be taken back to the European Court of Justice—during which time more claimants will die—be ruled against, and then fined and forced to pay. I hope that the Government choose to settle.

I said earlier that I could see wriggle room appearing if we did not nail the matter down now, and I shall not settle for back payment to the date of the most recent claim. Those payments should not have been terminated when people left the United Kingdom; they were lawful then. To be fair, the Government did not know that they were lawful then and nor did we, which is why so many people did not appeal at the time. We now know, however, that they were lawful; that is what the European Court of Justice said in its ruling. Any payments made will, therefore, have to be backdated to the date of termination or of first claim. The Government have been caught breaking the law, and they have to pay the bill.

9.52 am

John Barrett (Edinburgh, West) (LD): I commend the hon. Member for North Thanet (Mr. Gale) on his passionate speech, in which he described many detailed and moving cases. I also congratulate him on his long track record on this matter, and on everything he has said today. He has done more than anyone to highlight what is an all too familiar tale of a Department that is willing to use every trick in the book to avoid meeting its legal and moral obligations.

The hon. Gentleman has done an excellent job in framing the issue today, and I do not wish to go over ground that he has already covered. However, it is worth re-emphasising what we are not dealing with

[John Barrett]

here. As he said, this is not a tabloid-friendly tale of people from other European countries arriving in the UK and claiming benefits, as has been reported in some quarters. The men and women affected are from here and have paid their taxes here, but are having their entitlement denied to them when they need it most. As has been said, they are not wealthy people. This cannot be spun as part of a wider Government crackdown on wealthy non-doms; the 2,000 to 3,000 or so people who are affected are generally elderly and manifestly in poor health with advancing disability. They have paid their taxes and national insurance contributions and have earned the right for help with their disabilities. Many of them have moved abroad not out of choice but on medical advice.

The reason to move to some place with warmer weather at this time of year should be self-evident—it is tempting for the younger and the able-bodied, let alone for those who have worked all their lives, such as an older couple I know who lived in Scotland. The man had worked for the Ministry of Defence until he retired at 65. When he retired he was living in MOD housing, and he and his wife decided to look around for warmer weather and a reasonably economical place to live; they decided to head for Spain. He had paid his dues all his life and had never asked for a penny, and for the Government now to put so much effort into avoiding their responsibilities to them in this way is shameful. The Government are avoiding those responsibilities, but the job of Government is to provide fair and decent treatment, particularly to the vulnerable and the disabled.

When I was a local councillor, I had experience of a local authority trying to deny individuals fair treatment. When elderly people fell in the streets, the first response they would get would be from loss adjusters who would try to put them off and imply that it was their fault. Most people gave up and went away. We have a Government with a track record of denying for years a fair deal to investors in Equitable Life, despite the ruling of the ombudsman. Today we are dealing with benefits paid for by those who have worked all their lives—many of them never taking a penny. Many of them are ill and some are disabled, and they have gone to live abroad, many for health reasons. They are being denied not something that can be argued about, but an entitlement. The question has been taken up at European Court level. This is an entitlement, not something that is up for debate. The Court has decided: the Government were found guilty, and in the run-up to the election the Minister has a lot of explaining to do.

The European Court of Justice ruling on 18 October 2007 was very clear. It said that those eligible and in receipt of the care component of DLA, attendance allowance and carer's allowance should be able to continue to receive those benefits when they leave the UK. That was because they were classed as "sickness cash benefits" under EU law. That ought to have been the final word on the issue, and the Government should have accepted the ruling and paid out the benefits. Instead, it seems that the ruling itself has been warped by the Department to create yet another loophole.

We are now in the farcical position whereby claimants cannot have their benefits reinstated if they had them removed before the European Court of Justice ruling, because the Government will not admit that their decision to remove benefits before then was wrong. The ruling by the European Court was that people should be entitled to receive those benefits. People who had their benefits removed by the Government before the date of the ruling should have them reinstated immediately, with backdating and a full apology. Instead, they are told that unless they appealed within 13 months of losing their benefit, they have no grounds for their benefit to be reinstated. Essentially, if they took the Department for Work and Pensions at its word and made the mistake of assuming that the Government would act within EU law, they would miss out. Not only that, but when someone writes to the Government to request that their benefit be reinstated they have to meet the eligibility criteria of having been resident in the UK for at least 26 weeks out of the past 52. The very fact that their benefits were removed means that they are already living abroad, so there is little prospect of meeting that criteria at any time.

If I have misunderstood the situation, I invite the Minister to clarify it, but it seems as if every possible effort has been made to construct artificial loopholes and roll after roll of red tape to keep vulnerable people from receiving the help to which they are entitled. I agree with the hon. Member for North Thanet that the Minister is a decent individual, but he is trying to defend the indefensible. It seems that Ministers have been making up the rules as they go along, and that is quite deplorable behaviour.

In the Minister's winding-up speech, we need to hear that this shameful saga will not be allowed to drag on into the next Parliament, although I doubt he will have much say in that matter. It is an embarrassment that the European Commission has seen no other option but to take the UK Government to court to try to force us to meet our obligations. I appeal to the Minister to save the time, expense and embarrassment of battling another court case, and instead to announce today that the benefits will be reinstated without further argument or details hidden in the small print. I would also like a firm answer on how many people stand to be affected, and how much this will cost the Government—how much money the Government have withheld from them so far. I would not be at all surprised if the money spent fighting a legal battle in the European Court of Justice, and now fighting the Commission, was not too different a sum from that being held back from UK citizens.

Will the Minister also publish a copy of the Government's response to the Commission's letter of 9 October 2009, giving formal notice of legal proceedings? The Government have refused to make the letter public, citing confidentiality. Frankly, it is not a matter of national security. Those people—possibly thousands—missing money that is rightfully theirs deserve to know whether the Government are still attempting to wriggle out of their obligations. The Government have so often professed to be interested in fairness; it ought to be a matter of shame for Labour Members here today that the matter has still not been resolved.

People on low incomes who depend on such benefits to make ends meet do not have time for endless pontification from the DWP. As we heard this morning, some who have fought the battle have lost not only that battle but, in the meantime, their lives. I hope that today's debate will have pressed home to the Minister how far there is to go before fairness is delivered to those people. I cannot help but feel that if the time and energy spent by civil servants and the Government in devising ways to avoid their obligations had been invested in finding a fair solution, we would not be debating the issue today. I hope that this is the last time that we do so.

10.1 am

Mr. Mark Harper (Forest of Dean) (Con): It is a pleasure to serve under your chairmanship, Mrs. Humble. I know that you take a great interest in matters relating to the Department for Work and Pensions, given the nature of your constituency. I congratulate my hon. Friend the Member for North Thanet (Mr. Gale), who has been a long-standing campaigner on this subject. He demonstrated his usual doughty fighting spirit on behalf of all who depend on Members of the House to speak for them.

I shall mention, as did my hon. Friend the Member for North Thanet, the UK/EU Disability and Carers Group, a group of those affected by this problem. I mention it for the Minister's benefit. It e-mailed me late last year, saying that no member of the group at the time—more than 100 people—had received the legal reinstatement of their disability living allowance or even had the opportunity to have their case heard by the Tribunals Service. That brings me to a point made by my hon. Friend. Even once the law was established, it seems that the Government did not move with appropriate speed. I shall say a little more about that later.

It is worth setting out a little of the background—I shall try not to repeat what was said by my hon. Friend—and saying something about the benefits. I shall also ask the Minister about the thinking behind the Government's stance. The three benefits are the care component of the disability living allowance—the mobility component is not included in the European Court of Justice ruling of 18 October 2007—the attendance allowance and the carer's allowance. The Court decided that those benefits should be removed from the list of non-exportable special non-contributory cash benefits, but should be classed instead as sickness benefits and therefore paid, as my hon. Friend said, to those who live elsewhere in the European economic area or Switzerland.

I shall give the House an idea of the scale involved. Slightly more than 3 million people in the United Kingdom receive the care component of DLA, less than 1.6 million receive attendance allowance, and about 500,000 people receive carer's allowance. I mention that because I shall be asking the Minister to give us an idea of the number affected by the ruling and the Department's estimate of how many might be affected in future. I shall give an example: in 2008-09, about £4.7 billion was spent on attendance allowance for the 1.6 million who received it; it is a significant sum.

To put matters into context, it would be interesting to hear from the Minister how much is involved in the present case. My hon. Friend said that a parliamentary answer gave an estimate of £50 million. That is a large sum, but it pales into insignificance when put next to the total amount of benefits paid. I shall have some specific questions on that aspect for the Minister.

It is worth spending a brief moment to consider the chronology of this case, as it is one reason why those overseas who are affected are so agitated. They may think that things are clear after the ECJ ruling, but they believe that the Government have moved at a slow pace. My hon. Friend set that out well. However, the Government have not only moved a slow pace but have looked for every opportunity to delay making a decision.

The ECJ judgment was delivered on 18 October 2007. The Government responded reasonably quickly with a written statement to Parliament, saying that they would carefully consider the implications of that judgment. Within a week, one could not expect them to say anything else. In December, two months later, we heard only that the disability and carers service was "preparing guidance", and would give full details of eligibility criteria in April. Not an awful lot had happened, especially given what we had been told publicly, in two months.

At the beginning of April 2008, five months after the ECJ judgment, Parliament received a third written statement. Again, we were told that details would be set out on the website, and that officials were continuing their discussions with the European Commission. We still had to wait. Even five months after the decision, the Government were still not able to set out the eligibility criteria, either for those who had been claiming the benefits before moving abroad or those who lived abroad and were claiming for the first time. Later that month, the criteria were eventually published.

In December 2008, more than a year after the ECJ judgment, the Government admitted that they had received 1,700 requests for payment of DLA, attendance allowance or carer's allowance from people who had previously lived in the UK. That information was gained in response to a question from my hon. Friend, who has been questioning the Government on the matter for some time. In January 2009, my hon. Friend followed up that question, asking the Minister how many of those 1,700 had been settled. He was told that the implications were still being considered.

Later that month, again in response to a written question, the Minister said that the Government had set out their estimate of the increased case load and expenditure due to the ECJ ruling. He said that in 2010-11 they expected that the case load would reach 20,000 people at an annual cost of £50 million. That was assumed to be the first full year following full implementation of the judgment. That estimate is broken down into £30 million for DLA, £10 million for attendance allowance and £10 million for carer's allowance. I am not clear, however, whether that is for those who were claiming benefits before leaving the UK or whether it includes those living abroad who were claiming for the first time. That estimate gives no indication of whether the Government expect those numbers to change.

John Barrett: Does the hon. Gentleman agree that the matter would be helped along if the DWP were to speak to the Department of Health on the matter? Considering the cost of claims to be a matter exclusively for the DWP would be to look at only part of the picture. Many who go abroad are not using GPs or health workers; they are not using NHS services, which has an impact on the Government's budgeting. The cost of claims may be a matter for the DWP, but the costs to the NHS would dwarf that figure.

Mr. Harper: The hon. Gentleman makes a good point. I am dwelling on the cost because it is our view that once the law is clear, the Government should move

[Mr. Harper]

quickly to implement it. The Minister will doubtless be able to make clear the reason for the use of the past presence rule to limit the number claiming for the first time from abroad. I presume it is because an estimate has been made of the potential number, and that that number is significant. I am simply trying to get a handle on what that might be.

Mr. Gale: My hon. Friend cites a figure of 20,000 claims. It is the first time that I have heard that figure. It is a phenomenal increase on the 3,000 who we believe are in the system now. Where on earth are these figures coming from? We ought to know that, too.

Mr. Harper: The straightforward answer from my point of view is that they come from a written answer; the Minister can tell us where the numbers come from. It is difficult to reach a total. The estimated case load for disability living allowance is 20,000, but in an excellent piece of Government speak, no numbers are given for attendance allowance and carer's allowance because they equal

"less than 5,000 and therefore"

equal

"zero when rounded to the nearest 10,000"—[*Official Report*, 28 January 2009; Vol. 487, c. 563W.]

Only someone in government could, on seeing that 5,000 people were entitled to something, round the figure down to zero, but that is what we are told has happened.

To put the figures in context, the £50 million estimated expenditure is about 0.1 per cent. of the total spent on such benefits, while the number of people affected is about 0.4 per cent. of the number on such benefits. Those numbers do not seem that dramatic or significant, given the Department's estimates for the growth of disability living allowance, attendance allowance and carer's allowance over time. I do not understand why the Government are working so hard to limit the number of claims, and I would be grateful if the Minister filled us in on that.

At the end of February 2009, a month after the Minister answered that question, we had the fourth written statement to Parliament. That was 10 months after the previous one and one year and four months after the original judgment. On a Government website, Ministers finally published details of the eligibility criteria for those who were not claiming disability benefits when they left the UK, but who wished to claim them when they moved abroad.

In a parliamentary written answer, the Government stated that the past presence test had been modified for those claiming from another EEA state so that they had to have been in Great Britain for not less than 26 of the previous 52 weeks. The Government also said that the test would be applied only once, on the date on which the entitlement to benefit was established. In other words, someone who claimed more than six months after having moved abroad would not be eligible for benefits. It would be helpful if the Minister told us how many people living abroad would be eligible for such benefits if the past presence test was not in place and what estimates the Department has made of the number who will be eligible over time. The Department must have done some thinking about that when deciding on its implementation of the ECJ ruling.

In June last year—these things move very slowly—the Government said that they had received 2,100 requests for payment or reinstatement of awards from people living in EEA states. At that point, decisions had been made on 1,100 requests, with 1,000 pending a decision. For the benefit of hon. Members, will the Minister give us the latest information on how many requests for payment of benefits have been received and how many have been processed and had a decision made on them? Of those on which a decision has been made, how many have resulted in a benefit being awarded? In other words, how many requests for benefit have been successful?

There is another disappointing aspect to the lack of dispatch in the Department's approach. In June last year, the Government said that 1,400 people who lived abroad were in receipt of benefits, but that the DWP had only "started to process" claims for DLA from other states following the statement on 24 February. It therefore took a year and four months after the ECJ ruling for the DWP to start processing claims. Given that we are talking largely about disabled and elderly claimants living abroad, such a period can be significant.

The issue has obviously attracted great interest. There has been an e-petition on the No. 10 website, the media have given the subject a lot of coverage, and colleagues such as my hon. Friend the Member for North Thanet have raised the issue in Parliament. As he said, the Prime Minister wrote to him saying that the 26 out of 52 weeks past presence rule was

"compatible with European Community law".

I have been through the ECJ judgment carefully—it is not riveting reading—and it would be helpful if the Minister set out why the Department thinks that the past presence test is compatible with the ruling, given that the European Commission does not think so and has indicated to the Department that it intends to introduce infringement proceedings.

On the issue of openness and transparency, I can understand why the Minister does not want to share specific correspondence, but given the information that has not been provided to the House—my hon. Friend drew attention to it—it is disappointing to see what is available on the European Commission website. There, the Commission clearly sets out that it is taking legal action against the UK for not paying benefits and that it

"addressed a Letter of Formal Notice to the UK authorities. The British authorities have two months to respond",

as my hon. Friend said. Again, the Department took the full two months, so it did not exactly act with all due speed. The Commission then sets out the benefits and the ECJ ruling. It also says that the past presence test

"goes against the European rules coordinating social security benefits and justifies the Commission's decision to start an infringement procedure."

We can get all that information from the Commission website, but when we ask Ministers to set out the discussions that they have had and the position that they have taken, we get rather less information. This is not something that I thought that I would say, or that we hear often in the House, but the European Commission is being more open and transparent than the British Government, and the Minister should rectify that.

I have asked the Minister to set out the number of claimants abroad. Just to be clear, will he tell us what estimate the Government have made of the predicted case load and expenditure for existing claimants who move abroad, claimants who already live abroad and both sets of claimants combined? The Minister has talked about 2010-11, which is assumed to be the first full year for implementation of the ruling, but what does full implementation actually mean and why has it taken two years to reach this stage?

It is worth making one final point, which my hon. Friend and the hon. Member for Edinburgh, West (John Barrett), who speaks for the Liberal Democrats, have touched on. One reason why the issue has attracted attention and annoyed some of those living abroad is that the same European Union rules that say that British citizens who lived here all their lives, paid taxes, contributed, worked and then moved abroad should get the benefits under discussion, also say that people who come here from other European countries are entitled to other benefits. We read all the time in the papers—the stories are not made up, but are backed by parliamentary answers—about people who have come to the UK from other European countries and have not worked here or paid taxes, but who, under EU rules, can claim benefits for themselves and their children. People find that extraordinary. We hear stories about Polish workers coming to the UK who can claim child benefit for their children, when their children do not even live here, but in Poland.

The Government never seem to look for clever loopholes to avoid paying such people, who never seem to have any trouble claiming benefits. I do not suggest that they should not get those benefits—under EU rules, these things work in both directions—but it is strange that the Government have looked for every opportunity to deny money to those who have worked here, paid their taxes and gone abroad. Ministers never seem to make similar efforts with those who come to this country, and I am not saying that they should, but there is a disparity. People who come to this country never seem to have any trouble claiming money when they have not contributed. *[Interruption.]* It is all very well the Minister sighing, but that sort of thing enables people who are against our membership of the EU to score an easy hit. It also enables those who represent, shall we say, somewhat less democratic parties in this country to stir up all sorts of feeling against those who come here from other European countries. As everyone who has spoken has made clear, people are looking for fairness—they want people to be treated fairly.

Once the law is established following the ECJ ruling, it will be incumbent on the Government to implement it as soon as possible so that those who are lawfully entitled to benefits receive their lawful entitlement. On the basis of what I have said and what my hon. Friend so ably said in opening the debate, it is clear that the Government have not moved with due speed. At each stage, they appear to have taken the maximum time available to them and tested every deadline. That is not how the Government should behave, particularly when many of the British citizens involved are elderly and disabled, and when every month really matters.

In his response, I hope that the Minister will answer the questions raised by my hon. Friend and other hon. Members who have spoken in this debate, and that he will move to resolve the issues surrounding the past presence test and its lawfulness, or otherwise, and implement the settled law with all possible speed.

10.20 am

The Parliamentary Under-Secretary of State for Work and Pensions (Jonathan Shaw): It is a pleasure to serve under your chairmanship, Mrs. Humble. As other hon. Members have noted, you take a personal interest in matters relating to the Department for Work and Pensions.

I begin by paying tribute to the hon. Member for North Thanet (Mr. Gale), who has been pursuing this issue for a long time. He and I have had meetings and he acts in his own doughty way but always in a manner of reasonableness, as the hon. Member for Forest of Dean (Mr. Harper) said. The hon. Member for North Thanet expresses his views in a forthright way, and I appreciate the manner in which he has presented his case, not only during this debate but during our meetings in the Department.

The starting point is the judgment by the European Court of Justice in October 2007, and I want to explain what that meant. In case C-299/05, the Court decided that certain benefits belonging to Finland, Sweden and the United Kingdom should not be classified as special non-contributory benefits under European law, but should instead be classified as sickness benefits. That change in classification for the UK mainly affected disability benefits—the disability living allowance care component, attendance allowance and carer's allowance, which have been referred to.

The relevant legislation is EC regulation 1408/71, which co-ordinates social security systems in the European economic area, and provides rights for workers and people who used to work and, in certain circumstances, their family members. Not all people who are eligible to receive benefits in the UK can export them if they leave the country. For instance, someone who resides in the UK can claim DLA without having a national insurance contribution record. When they leave the country, however, the UK is no longer responsible for paying them and they are not covered by the regulation. Each member state is free to decide who is entitled to be insured under its legislation, which benefits are to be granted and under what conditions, and how those benefits are calculated. Any such decisions are, of course, subject to challenge from individuals or the European Commission.

When people are covered by the regulation and wish to export their benefit, they are no longer required to meet normal residence and presence conditions although they are still required to meet other conditions of entitlement under domestic legislation. In the UK, that includes a past presence test, whereby an individual is required to have been present in the UK for 26 of the previous 52 weeks, on each day of the award of benefit. For people wishing to export their benefit we have modified that condition so that it is applied only on a single date, on which other conditions of entitlement can be established.

The unmodified test is not new—it has always been part of the conditions of entitlement that all customers are required to meet. Unlike the state pension, for example, disability benefits are not paid because relevant national insurance contributions have been made. They are not means-tested and are paid out of general UK taxation. The purpose of the past presence test is to establish a connection with the UK that is appropriate and proportionate.

The hon. Member for North Thanet said that we have failed to comply with the Court's decision. However, since the judgment, more than 1,700 people who have

[Jonathan Shaw]

left the UK for another EEA state have been able to export their benefit. They are currently being paid while resident abroad, as long as they meet the eligibility criteria for payment. The hon. Gentleman represents a campaign group of people who previously received benefits, but who moved abroad before the date of the judgment and consequently lost them. As noted by the hon. Member for Hexham (Mr. Atkinson), who is no longer in the Chamber, when those people moved abroad they would have known that their benefits would cease, and would presumably have taken that into account when making their decision to leave the UK. Automatically to reinstate benefits to that group of people could be contrary to both domestic and European law. Apart from ensuring that customers satisfy all relevant domestic requirements, including whether they need help in looking after themselves or caring for others, they also need to satisfy European law on sickness benefits.

Mr. Harper *rose—*

Jonathan Shaw: If I can make my point, I will come to the issue that the hon. Gentleman has referred to.

We know that some customers may have worked in their country of residence. Once that happens, even if they have now stopped work, they are no longer the responsibility of the UK for payment of sickness benefits, and they will need to claim sickness benefits from their new state of residence. People in the UK can receive a disability benefit, even if they have no income at all. However, under European law relating to sickness benefits, in order to be eligible for payment a person needs to be in receipt of a state pension, or a long-term benefit such as incapacity benefit, or to have paid recent national insurance contributions.

People who moved abroad before the judgment and lost their benefits—such as the constituents referred to by the hon. Member for North Thanet—have written to the Department to ask the Secretary of State to reconsider the disallowance decision, and we have looked carefully at all the available options. We can revise a decision when we have made an official error. The definition of an error specifically

> "excludes any error of law which is shown to have been an error by virtue of a subsequent decision of a Commission or the court."

When we decided to disallow benefit when people moved abroad, the decision was made under relevant legislation that was appropriate prior to the decision by the European Court of Justice. People reclaiming benefits they received in the past must therefore not have worked in their state of residence, must be receiving a long-term contributory benefit such as incapacity benefit or state pension, or must have made recent national insurance contributions. They must also satisfy relevant domestic conditions of entitlement.

As I noted earlier, we consider the past presence test to be a necessary condition of entitlement to a non-contributory benefit, as it establishes a recent link to the UK. However, we recognise that people abroad who have not left the UK recently will not be able to qualify.

Mr. Gale *rose—*

Jonathan Shaw: Let me make this point as it is relevant to a question raised by the hon. Gentleman.

There are exceptions to the situation that I have outlined, and they include cases when people are terminally ill. When we announced the criteria for payment of the disability living allowance care component and attendance allowance for people claiming from abroad, we made it clear that people in such circumstances would not have to satisfy the 26-weeks past presence requirement.

The hon. Gentleman referred to an e-mail that he received on 11 January and the case of people who were asked to pay back around £3,000. I cannot answer in detail about that specific issue now, but I would be happy to look into the case and consider it carefully.

We are paying benefits, including state pensions, to many thousands of expatriates abroad. Most of our expatriates in the EEA live in Spain, and over the last year Ministers and senior officials have visited Spain to meet them and their representatives. They have demonstrated a genuine interest and concern in the lives of British nationals overseas. We are aware that UK nationals may experience difficulties abroad, and we want to help where we can. Since May 2007, my Department has supplied a team of six staff based in Alicante, Malaga and Madrid to provide customer service to support UK nationals living in Spain.

Mr. Harper: The reason why I tried to intervene earlier was to ask the Minister about the Court ruling. I have two questions: first, I think that the Minister said that if the Department were to reinstate benefits from the time the relevant people moved abroad, or from when they lost them on moving abroad, it would in some way breach European or domestic law. I am not quite certain which aspect of law would be breached.

Secondly, what is the Government's view of the ECJ ruling? Did it change European law or simply set out what European law had been all the time?

Jonathan Shaw: I shall answer those points in my speech.

As I was saying before the hon. Gentleman intervened, we are providing staff. We have a presence, and are working with the Spanish authorities. That is in contrast to the characterisation the hon. Gentleman attempted to give of our interest in British people living overseas. The team on the ground offers up-to-date and accurate information on entitlements; it liaises with the Spanish authorities to resolve the most complex cases; and it also works closely and improves co-operation with the Spanish benefits agency—the National Institute of Social Security. The team is approached on occasion by customers who are priority cases in difficult welfare and health care situations, and who need quick intervention. Recent cases have included dealing with terminally ill customers requiring medical cost advice, and giving support to vulnerable customers when benefits have not been claimed.

People who cannot receive a benefit from the UK may be able to receive a benefit or service from their new state of residence. If they are integrated in their new community and satisfy relevant conditions they may be able to receive benefit and assistance from social services, just like people who come to the UK. In fact, we know that people can and do receive help. For example, there are messages on various websites. One person who left the UK in 2004 recounts that she had three strokes and has

"received excellent treatment in France".

She writes on the website:

> "I received a letter telling me I am considered 80 per cent. or more disabled and will receive an allowance which will pay for a home help. My husband will also get an allowance for helping me in the house with washing, dressing etc."

She goes on to say that although she is happy with the help she gets in France she feels bitter that she cannot get help from the UK, as she and her husband paid into the system all their working lives.

I am pleased that lady is receiving the help she requires. As Minister for disabled people I strongly support the provision of services for disabled people, but the imposition of conditions such as the past presence test is compatible with regulation 1408/71. If the hon. Member for Forest of Dean wishes, I shall send him details of the regulation. Conditions of entitlement under domestic legislation must be taken into consideration.

The European Commission has indeed written to us to start infringement proceedings, as hon. Members have noted today, on the basis that it considers the past presence test to be an unlawful residence test. We have replied explaining our position in detail and in particular ensuring that the Commission understands how we treat workers. We have not yet received a response.

Members have asked why we do not agree with the Commission. The UK is not alone among member states in disagreeing from time to time with the European Commission in this and other policy areas. I am sure that hon. Members present have disagreed with it, and have called on the UK Government to argue their case. Of course, that is what we do when we disagree. However, we have never published such correspondence with the European Commission. It is important that we can have frank and robust exchanges with the Commission, and to publish them would undermine our opportunity to engage in them. That is not true just of the present case; it is the general custom and practice.

Mr. Harper: I think the Minister was guilty of slightly mischaracterising what I and my hon. Friend the Member for North Thanet said. I did not ask why the Government disagree with the European Commission. I asked the Minister to set out in detail why the Government think that the past presence test is compatible with the ECJ rule. I have no problem with the Minister disagreeing with the Commission—I frequently do so—so I do not want to leave him with the idea that I am complaining about that. I just want to know why the Government think that what they are doing is compatible with the ECJ ruling. The point that I made about the Commission was that it was apparently being more transparent about its discussion with the British Government than the Government were being.

Jonathan Shaw: I am grateful for that clarification of the hon. Gentleman's position.

Several hon. Members raised the issue of costs. The figures referred to this morning are projected costs of £50 million by 2011, on the existing past presence test. That is what we project at the most, and that was our reply to the parliamentary question tabled by the hon. Member for North Thanet. That does not take account of what would happen without the past presence test, if benefits were backdated in the way that the hon. Gentleman argued for.

Mr. Gale: Where are the 20,000 people?

Jonathan Shaw: On the basis of the number of people moving abroad and who have already moved abroad, and the cases that have come up so far, we make a general estimate. I shall set out our method in more detail for the hon. Gentleman, in a letter that I shall ensure is placed in the Library. As I have said, we estimate what the figure will be at the most, but we obviously need to be cautious when accounting for public expenditure.

The hon. Member for Edinburgh, West (John Barrett) talked about savings. It is a reasonable point that other savings will be made when people move abroad; but, of course, people's patterns and plans change. I am sure that the hon. Gentleman has met people who have moved to Spain and then decided to move back to the UK, as of course they are entitled to do. It is difficult to make projections relating to people's behaviour and the social services they will use.

In most cases, when people are dissatisfied with a Department's decision they have the right to appeal to an independent tribunal.

Mr. Harper: On the point about cost, the Minister has clarified the answer that he gave Parliament about what would happen if the past presence test were used, and without backdating. Has the Department made any estimates of the costs of the two elements? How much would it cost if claims were backdated to the point when people left the UK, and what would the situation be without the past presence test? Has the Department made those estimates, and can the Minister furnish us with the information today, or include it in his letter to my hon. Friend the Member for North Thanet?

Jonathan Shaw: I shall certainly ensure that we can provide a response on the costings, to take into account not applying the past presence test, as the hon. Gentleman suggests.

We have identified and submitted a small number of cases for tribunal hearings and applied for those appeals to be appointed as lead cases. I know that there has been some criticism of the delay, but obviously hon. Members will be aware that the tribunal service is the responsibility of the Ministry of Justice and I will ensure that the criticisms are passed to that Department.

The need to get things right and deal with the delays is because the benefits were designed before the rulings came into being, as the hon. Member for Hexham noted. We have had to get the system right. It is not the case that we have been wantonly disingenuous and dragged our heels, as some Members have tried to characterise the Government's behaviour. Members should look at the track record in terms of the benefits that the Government have paid out to disabled people and compare it to that of other Governments. I think our record stands up very well. The hon. Member for Forest of Dean made a point about Polish workers and talked about how some extreme parties would use that case. Perhaps he should not fan those flames in the way that he did.

Mr. Gale: All we are asking for is consistency. The Government appear to be perfectly prepared to pay people who now live in the Minister's constituency, or people who live in my constituency in Kent, considerable sums of money, in the form of benefits decreed by the European Union—I have no problem with that. That money is paid to people who are not resident in the United Kingdom, people who have come here and paid no taxes, no rates, no nothing, for the majority of their working lives. They may be paying taxes now, but they have not paid them for 30, 40 or 50 years. Therefore, we cannot understand why United Kingdom citizens—UK passport holders—who are now resident in European countries are being discriminated against, and those citizens cannot understand it themselves. That is the point. It has nothing to do with racism, extremism or anything else.

Jonathan Shaw: I am pleased that the hon. Gentleman made that point, because it contrasts with the efforts of his colleague, the hon. Member for Forest of Dean—[Hon. Members: “No, it does not.”] It was the hon. Member for Forest of Dean who raised the point that I am now responding to and who set the tone. It is reasonable for me to respond to what he said. I happen to disagree with him. If he does not like that, it is a matter for him.

We will continue our dialogue with the Commission. We have set out why we believe the past presence test is reasonable and fair. I pay tribute to the hon. Member for North Thanet as he takes this case forward. I am sure that this will not be the last point we hear from him on the subject. I am grateful for the contributions from all hon. Members who have spoken in this morning's debate, which has provided the Government with the opportunity to set out our case.

10.43 am

Sitting suspended.

Goldstone Report

11 am

Martin Linton (Battersea) (Lab): It is good to serve under your chairmanship, Mrs. Humble. I am glad to see so many hon. Members in the Chamber as I consider this to be a vital debate on the Goldstone report and the Government's attitude to it before the vote in the United Nations General Assembly next month and, possibly, in the Security Council the month after.

As one of the few people who have read the report from cover to cover, I regard it as one of the most thorough and thoughtful I have ever read, and a model of even-handedness. I do not say that the original motion before the Human Rights Council was even-handed because it referred only to Israel. However, the amended mandate of the mission, as agreed between the president of the committee and Richard Goldstone, was even-handed because it refers to human rights violations by all parties before, during and after the conflict.

The Israelis have criticised the process and refused to give evidence. However, a panel of prominent international lawyers under Elizabeth Wilmshurst, a former Foreign Office lawyer, looked at the report and concluded that it was not invalidated by the criticism, nor by Israel's refusal to give evidence—far from it.

I was one of the first group of MPs to enter Gaza after the military operations in February, along with my hon. Friend the Member for Birmingham, Northfield (Richard Burden) and the hon. Member for Kingston and Surbiton (Mr. Davey). We saw many of the same things and spoke to many of the same people as the mission. Our accounts were listened to, but we did not have the time or resources to cross-check every fact and assess the reliability of every witness. Richard Goldstone did so with meticulous care. I do not know whether to be surprised to discover that all the horrors that we could hardly believe were true.

The first strike by an Israeli jet fighter at 11.20 on 27 December caught a group of policemen on a three-week training course doing their morning sport exercise; 48 of them were killed on the spot. There were no allegations that the police force took part in combat, yet 248 members of the Gaza police were killed. The report found that to be a violation of international humanitarian law on several counts.

We saw the effects of shelling on the hospital and ambulances at al-Quds hospital. The report found that the direct attack on the hospital violated the fourth Geneva convention. We also visited the al-Wafa hospital and saw lumps of debris that were still smoking three weeks after the attack. The report confirmed that it was a white phosphorus attack that was reckless, unjustifiable and in violation of the Geneva convention.

Israeli paratroopers fired mortars into the busy al-Fakhura street in Jabaliyah, killing 24 people, nearly all of whom were civilians. They landed just a few metres from a United Nations school where 1,368 civilians were sheltering. In a sober, understated way, the report said that the decision to deploy mortars in a location filled with civilians was not a choice any reasonable commander would have made. The commander would have known that it would result in civilian deaths. A missile strike on the door of the al-Maqadmah mosque in Jabaliya, where 200 men had gathered for evening prayers, killed 15 and injured 40. There was no suggestion that the mosque was used to launch rockets, store weapons or shelter combatants. That too was found to be a grave breach. The commander of the paratroop brigade in Jabaliyah, Colonel Hartzi Halevi, who has since become brigadier general, was in the news only last week when he suddenly cancelled a visit to King's college London because the British Government would not give an assurance that he would not be arrested.

A condolence tent, where relatives were mourning the victims of a flechette attack was itself hit by a flechette attack. Four mourners and an ambulance driver were killed and more than 20 were injured. The report found those attacks to be wilful killing, designed to kill and maim victims and, as such, were violations of international law.

One of the most distressing parts of our visit was talking to former inhabitants of Izbat Abd Rabbo, a village that had been razed to the ground; there was nothing left except rubble. The report confirms one incident that we heard about at the time:

> "Shortly after 12.30 p.m., the inhabitants of that part of Izbat Abd Rabbo heard megaphone messages telling all residents to leave."

It continues:

> "At about 12.50 p.m., Khalid Abd Rabbo, his wife Kawthar, their three daughters"

—aged nine, five and three and their grandmother—

> "stepped out of the house, all of them carrying white flags. Less than 10 metres from the door was a tank, turned towards their house. Two soldiers were sitting on top of it having a snack (one was eating chips, the other chocolate, according to one of the witnesses). The family stood still, waiting for orders from the soldiers as to what they should do, but none was given. Without warning, a third soldier emerged from inside the tank and started shooting at the three girls and then also at their grandmother."

The girls and the grandmother died. Their parents

> "shouted for help and a neighbour, who was an ambulance driver and had his ambulance parked next to his house, decided to come to their help. He put on his ambulance crew clothes and asked his son to put on a fluorescent jacket. They had driven a few metres from their house...when Israeli soldiers...ordered them to halt and get out of the vehicle."

The account continues:

> "The soldiers ordered him and his son to undress and then re-dress. They then ordered them to abandon the ambulance and to walk towards Jabaliyah...The family decided that they had to make an attempt to walk to Jabaliyah".

The parents carried the girls on their shoulders and the grandmother was carried by family members.

The verdict of the Goldstone report was that the soldier "deliberately directed lethal fire" at the girls and their grandmother and that the soldiers knew that the ambulance driver

> "did not constitute a threat"

and deliberately aggravated the consequences of the shooting by forcing him to abandon the ambulance.

That is just one example. The report investigated incidents involving 34 Palestinian civilians who lost their lives owing to Israeli fire that was intentionally directed at them. In each case, it found that the Israeli armed forces opened fire on civilians who were not taking part in the hostilities and who posed no threat to them.

Mr. Stephen Crabb (Preseli Pembrokeshire) (Con): I commend the hon. Gentleman on securing this debate. All the incidents that he has described, all those that were covered in the Goldstone report and another 92 cases have been or are subject to investigations by the Israeli military police and the Attorney-General, and that will lead to Supreme Court review. Does he agree that that is an appropriate response by a responsible democratic Government to criticisms that have been raised about their military operations?

Martin Linton: I will come to Richard Goldstone's views about the Israeli internal inquiries in a moment. He says that they are inadequate and do not conform to international inquiry standards.

First, I will mention another Israeli officer who cancelled his trip to London last week. Colonel Itai Virob, commander of the Kfir Brigade, was asked recently to give evidence about allegations that his men beat Palestinians even when they were not suspected of any offence. He said that

> "using violence and aggression...is not only allowed but sometimes imperative".

He continued that

> "a slap, sometimes a hit to the back of the neck or the chest...sometimes a knee jab or strangulation to calm someone down is reasonable."

If one thinks that is bad, the soldiers under his command were even worse. An eye-witness saw them

> "just knee [Palestinians] because it's boring, because you stand there 10 hours, you're not doing anything, so they beat people up."

Another witness said:

> "There were a lot of reservists that participated, and they totally had a celebration on the Palestinians: curses, humiliation, pulling hair and ears, kicks, slaps. These things were the norm."

I should also mention the attacks on the Gazan economy. One chicken farmer

> "watched as the armoured bulldozers destroyed the chicken farms, crushing the wire mesh coops with"

31,000 chickens inside. The report continues:

> "He noted that the drivers of the tanks would spend hours flattening the chicken coops, sometimes stopping for coffee breaks, before resuming their work."

Gaza's only fully operational cement-packing plant was systematically destroyed over four days. Helicopter-launched rockets were used to destroy the main manufacturing line. Bulldozers destroyed the factory walls. The report notes:

> "The silo had not been entirely destroyed...so explosives were attached to its supporting columns."

It says that it was

> "a very deliberate strategy of attacking the construction industry"

with no military reason or justification.

I will not go on about the beatings, the degrading treatment of detainees or the use of civilians as human shields. If people want to read about those things, they can read the full report, which I recommend. Goldstone's conclusion was that rather than fighting the Palestinian armed groups in Gaza in a targeted way, as Israel was entitled to do, it had chosen to punish the whole population. That was a policy of collective punishment and the report states that it was a deliberately disproportionate attack designed to punish, humiliate and terrorise a civilian population.

[Martin Linton]

International law places an obligation on states to investigate breaches of the Geneva convention, but the report found that Israel's own investigations—I come to the point raised by the hon. Member for Preseli Pembrokeshire (Mr. Crabb)—were totally inadequate. Such investigations appear to have relied exclusively on interviews with Israeli officers and soldiers, those conducting them were not interested in interviewing victims or witnesses, and they did not start until six months after the event.

The inadequacy of Israel's own investigations has meant that the report attaches enormous importance to the principle of universal jurisdiction. The report considers that universal jurisdiction is a potentially efficient tool for enforcing international law when states fail to do so. If soldiers are not punished for such casual cruelty, if generals do not investigate, if the Israeli Government spokesman, Mark Regev, simply denies on television that anything of this kind ever occurred, it eats away at the moral fibre.

Bob Spink (Castle Point) (Ind): The hon. Gentleman is raising a very important and timely subject, but does he share my disappointment that Prime Minister Netanyahu dismissed the allegations as false prior to Israeli military police investigating them? Is that any way for the Prime Minister of a country to act in these circumstances?

Martin Linton: I agree entirely with the hon. Gentleman. Sadly, the Israeli Government have shown as cavalier an attitude to justice as some of their own soldiers, yet they should be setting the example.

Mr. Crabb *rose—*

Martin Linton: Just in case the hon. Gentleman was going to make this point, I readily concede that the report does not just mention the Israelis. The inquiry also found violations of international law in the actions of Hamas and Fatah. However, as Goldstone points out, the fact that Hamas is responsible for grave breaches of international law does not make the Israeli breaches any less grave. Goldstone worries about what he calls the "culture of impunity" that spreads through Israeli armed forces and the Government, who show contempt for the Geneva conventions and for international law as a whole.

We have to understand that the Palestinians do not have the power to solve the problems that face them, and the Israelis do not have the will. It is only the international community that can resolve the situation, but it must act decisively and courageously. Universal jurisdiction is one way in which we can show how deeply we disapprove of what the Israelis have done.

Jane Kennedy (Liverpool, Wavertree) (Lab): My hon. Friend has spent 11 minutes—12 minutes now—of what is a very important and interesting contribution to a critical debate concentrating entirely on the allegations faced by the Israeli military and Government surrounding the events of Operation Cast Lead. Is he going to make the same mistake that I believe Judge Goldstone has made in focusing entirely on the one side—the democratic Government who are themselves investigating the events—without dealing with the terrorism from Hamas?

Martin Linton: If my right hon. Friend had read the Goldstone report, she would know that many pages are devoted to the violations by Hamas and, indeed, some to the violations by Fatah. Out of the 428 pages, Goldstone devotes perhaps 20 or 30 to Fatah and Hamas, which seems a proportionate approach given that they are responsible for 13 deaths, rather then 1,300.

Mr. Douglas Carswell (Harwich) (Con): Will the hon. Gentleman give way?

Mr. Crabb *rose—*

Martin Linton: I must make progress. Universal jurisdiction is one way in which we can show how we disapprove of what is being done. Frankly, if the two Israeli officers had come to London last week, it would have been a good thing if they had been arrested and, indeed, prosecuted. The Foreign Secretary seems to think that arrest warrants would set the peace process back, but what sets the peace process back is the perception that the UK is applying double standards and enforcing international law against one country, but not against another.

Jeremy Corbyn (Islington, North) (Lab): I compliment my hon. Friend on his contribution and on securing the debate. Does he agree that gaining the universal arrest warrant in the wake of the Pinochet arrest was a major step forward for the cause of human rights in this country and around the world? It would be utterly deplorable if legislation were rushed through the House of Commons to remove what was a major advance in human rights law in this country and is held up as an example around the world. Does he agree that that would be a wholly wrong thing to do?

Martin Linton: Indeed, I agree with my hon. Friend. What is more impressive is that Richard Goldstone cannot be dismissed as a friend of Hamas or as being worse than Ahmadinejad, as the Israelis tried to do. He regards himself as a Zionist and considers an independent inquiry into Gaza as being in Israel's interests as well as that of the Palestinians. Goldstone agrees with my hon. Friend's point. He is a veteran of inquiries into Rwanda and Serbia, he speaks with enormous authority on this matter, and he has come to the same conclusion as us.

Mr. Carswell: The Goldstone report was set in motion after a United Nations Human Rights Council resolution that stated from the outset that it holds Israel accountable for war crimes and that focused only on Israel. Is this not a case of being literally pre judice—prejudice?

Martin Linton: I did not notice when the hon. Gentleman came in, but I dealt with that very point in my opening comments, when I said that I did not support the original motion before the Human Rights Council because it referred only to Israeli, but that the amended mandate refers to human rights violations by all parties before, during and after the conflict. We should judge the report as it has turned out, rather than by the motion of the Human Rights Council.

Mr. Andrew Dismore (Hendon) (Lab): I am sure that my hon. Friend is not intentionally misleading the House, but the fact is that when Goldstone considered his mandate, he decided to go back only six months from the start of Cast Lead, not back over the eight years and 9,000 rocket attacks sent into Gaza by Hamas, which led the Israelis to have the justification of defending their people.

Martin Linton: I assure my hon. Friend that if he reads the full report, Goldstone does go back and interprets before, during and after to mean putting the matter in the context of the whole history and going back over many years. However, the point is that after this exhaustive inquiry, Goldstone was driven to the very important conclusion that a lasting peace settlement will never be achieved unless the culture of impunity is ended and violations of international law are punished.

When an arrest warrant was issued for Tzipi Livni, the Israeli ambassador Ron Prosor was quoted in the papers as demanding a change in our law. Frankly, it is not his place to demand a change in our law; that is up to us. I for one would not support such a change. The Foreign Secretary said at the time that Israel is a strategic partner and a close friend so we should give the power to apply for arrest warrants to the Attorney-General. Is he suggesting that arrest warrants should be denied on the basis of friendship? Surely the Attorney-General is supposed to be entirely impartial in her legal role and changing the law in such a way would just feed the perception that double standards were being applied.

On the main point about the report—I will end my comments as soon as I can—it is a good thing that the Government did not vote against the Goldstone report and try to persuade our European partners not to oppose it. However, I also think that they should have voted in favour. The reason the Government gave for not doing so was that they wanted to give the Israelis and the Palestinians six months to conduct their own inquiries. That seems sensible, but, of course, that is what Goldstone recommends anyway. When the Goldstone report comes back to the General Assembly and goes to the Security Council, I urge strongly the Foreign Secretary to support it.

Mr. Crabb: Will the hon. Gentleman give way?

Martin Linton: I must finish now, because I can see from the number of hon. Members who are here that if I take much longer, I will impinge on their chances of speaking.

In conclusion, however much sympathy we have with Israel as a state and as an ideal, we must face the fact that how it behaved in Gaza and how it is behaving in the west bank is cruel, out of order, against international law, jeopardises world peace and is, importantly, against the interest of the Israelis. We have to take our courage in our hands and say that enough is enough. The international community must enforce international law—article 99, chapter 7 or whatever it takes—to make the UN an effective force for world peace.

We have a duty as signatories and guarantors of the Geneva convention, and we have a moral duty having contributed to the problem in the first place. We can no longer close our eyes to the fact that Israel is flagrantly in breach of the convention and of international law.

Several hon. Members *rose*—

Mrs. Joan Humble (in the Chair): Order. Several hon. Members wish to speak in this important debate, so I remind them that I hope to call the Front Bench speakers soon after 12 o'clock. Members should therefore keep an eye on the time and limit their contributions to allow as many as possible to speak.

11.20 am

Jane Kennedy (Liverpool, Wavertree) (Lab): It is a pleasure to be here this morning, and I congratulate my hon. Friend the Member for Battersea (Martin Linton) on securing the debate about British Government policy regarding the report of Judge Richard Goldstone following his investigation into Operation Cast Lead.

Although I concur with my hon. Friend on his description of the eminence of Judge Goldstone and his team, I will say that Judge Goldstone is not omnipotent and that there were flaws in his report. I support the view taken by Ministers here that his report is unjust in implying a moral equivalence between Israel and Hamas. He failed adequately to recognise Israel's right to protect its citizens from murderous attacks and paid insufficient attention to Hamas's acts of terrorism.

Judge Goldstone's mission was limited by the mandate of the UN Human Rights Council, which was for an investigation of the military operations conducted in Gaza, excluding from his remit the seven years of rocket attacks by Hamas on Israel, as my hon. Friend the Member for Hendon (Mr. Dismore) has mentioned. Israel estimates that, since October 2001, 9,000 rockets and mortars were fired from Gaza into its southern towns by Hamas. It is not good enough for Judge Goldstone to characterise those as acts by "Palestinian armed groups". He was also mistaken when he decided to consider only actions in the entire occupied Palestinian territory and Israel from 19 June 2008.

Estimates vary, but I know that up to 1,380 people were killed during Operation Cast Lead, which is a shocking number of deaths. Many more were injured and made homeless and workless. However, the responsibility for those deaths lies at the door of Hamas. There is no Government represented at the UN that would tolerate a sustained and murderous attack on its citizens for a period of seven years such as that carried out by Hamas on Israel.

Mr. Robert Marshall-Andrews (Medway) (Lab): Will my right hon. Friend give way?

Jane Kennedy: I will give way in a moment.

There are victims on Israel's side, too. I must at this point declare an interest, regarding a visit I made to Israel with Labour Friends of Israel in September, when the Judge's report was published. During that visit I was fortunate to meet around 20 young men and women who lived in Sterodt, in the south of Israel. They had seen their classmates killed, blown up in the streets by Hamas rockets. Many had been injured, but they were stoic in their determination not to be driven out of their homes by terrorism.

They were without doubt traumatised. Their families were forced to adopt tactics that might seem almost comical: not being able to take a shower because for some families the shower was the bomb shelter and they might find themselves wet and without clothes in the

[Jane Kennedy]

presence of their entire family. Football can only be played under a protective shield mounted over a small piece of land. There are regular air raid warnings and drills to practise how to stay safe and minimise the risk of injury and death. That is no way to live. I repeat, which Government represented at the UN would tolerate such a threat to its citizens?

Richard Burden (Birmingham, Northfield) (Lab): I, too, have visited Sderot, and the fear of the people there that my right hon. Friend has described is absolutely genuine. However, if she is saying that the flaw in the Goldstone report was the time limit placed on the date from which it inquired, and she has talked about other things that should be looked at, why has she failed to mention the existence of the Hamas ceasefire long before Operation Cast Lead, or the blockade that existed in an extreme form since Hamas was elected to Government and in one form or other for a long time before that? If she wants to be balanced, why does she not mentioned those things?

Jane Kennedy: It is precisely those sort of issues that could have been looked at had the Goldstone report's remit not been so narrowly drawn by the UN Human Rights Council. The hon. Gentleman is my hon. Friend, but I disagree profoundly with him on this. I agree with the US Assistant Secretary of State, Michael Posner, who has accused the Human Rights Council of

> "paying grossly disproportionate attention to one country, Israel. In the last five years the Council and its predecessor have commissioned more than 20 reports on Israel—far more than any other country in the world. Since its creation in 2006 it has passed 20 resolutions on Israel—more than the number of resolutions for all 191 other members combined."

I believe that our Government are right to have withheld their vote in consideration of the flaws in the report.

Mr. Marshall-Andrews: Will my right hon. Friend give way?

Jane Kennedy: If my hon. and learned Friend will allow me, I will make some progress.

More should be done to help ease the situation in Gaza. The EU announced last January its willingness to reactivate its border assistance mission at the Rafah crossing, but conditions have militated against that. Instead of admonishing Israel for seeking to protect its citizens from attack, will our Government work with EU partners to agree a substantial offer of assistance to facilitate the opening and operation of crossings into Gaza? What discussions has my hon. Friend the Minister had within the EU to bring that about? I am pleased to see him here this morning and am sure that he can shed light on the matter.

I have one final point, on universal jurisdiction. It is important that we bring to justice those guilty of crimes committed during warfare, but we should be ashamed of the fact that our judicial system can be manipulated so that a magistrate in a junior court can issue a warrant for the arrest of representatives of both Governments and the military from countries with whom we are friends and allies.—*[Interruption.]* I will explain. I am ashamed of the fact that Tzipi Livni, a woman of great stature and courage and a leader of her people, cannot come freely to Britain. It is nonsense that US and UK Ministers and generals might find themselves under similar restrictions in other countries. That area of law needs urgent review, and I ask the Minister what steps are being taken to correct that legal nonsense.

11.26 am

Jeremy Corbyn (Islington, North) (Lab): I will be brief so that other Members can speak. I congratulate my hon. Friend the Member for Battersea (Martin Linton) on securing the debate, on what he said and the way in which he said it. This is a debate in the British Parliament about accountability, and I have some specific points, which I would like the Minister to respond to when he replies, concerning the Goldstone report, the attitude taken at the UN Human Rights Council and the question of universal jurisdiction.

After the Gaza bombing had ceased and a ceasefire of a sort was in place, the Goldstone commission was set up, and it went into enormous detail to look at what was going on. He gave a comprehensive report, which is not, in my view, unbalanced or one-sided, because it makes criticisms of all parties. When the report was finally delivered to the UN Human Rights Council, the British Government's representative, although not abstaining, extraordinarily did not participate in the discussion or vote at the end of the deliberations in Geneva. I would be grateful if the Minister explained exactly what the British Government's representatives were doing at the time, because it seems to me that if we send representatives to the Human Rights Council in Geneva we expect them to be there, to participate in the discussions. If the British Government are not prepared to support the referral of the Goldstone commission's report to the Security Council, they should do us the courtesy of explaining why. There appears to have been further obfuscation later on when it got to the UN Security Council.

I think Goldstone is a brave man. He stood out against apartheid. He is not an enemy of Israel. Indeed, he has quite strongly Zionist views, which many of us in this Chamber might or might not agree with. The fact is that he is a respected jurist around the world who has delivered an important report, and maybe we should treat it with some respect and have the matter dealt with properly by the Security Council.

Mr. Carswell: The hon. Gentleman cites the authority of the UN Human Rights Council and its resolution as a source of legitimacy in the matter. Does he not recognise that some countries that voted in favour of the resolution and that have seats on the UN Human Rights Council have themselves grotesquely poor human rights records, such as Syria, Cuba and Saudi Arabia? To cite that as the authority on which to judge a liberal democracy is perhaps to apply double standards.

Jeremy Corbyn: Most countries that are represented on the UN Human Rights Council have difficult human rights records, including the United States over Guantanamo Bay and this country over extraordinary rendition and the imprisonment of child asylum seekers. Many other countries have serious human rights questions to be asked of them. I do not resile from that, and I understand the points that are being made. None the less, the Minister must explain why the British Government representative could not bring themselves to take part in the decision to refer the matter to the Security Council. I am sure that the hon. Member for Harwich will agree with me on that point, if not on the other points that I have made concerning the matter.

The Goldstone report goes into a lot of detail about the destruction of economic and civilian life in Gaza. It mentions the deliberate destruction of houses, water tanks and centres of employment and economic life. It was not just a retaliatory attack, but an intention to destroy the very economic fibre of Gaza and reduce its people to the misery and poverty with which they are forced to survive at the present time. It was a wanton act of destruction that was disproportionate to the alleged threat that Israel was facing at the time because a ceasefire was already in operation.

Dr. Brian Iddon (Bolton, South-East) (Lab): One of the things that struck me about Operation Cast Lead was how Israel, which prides itself on being a democracy, kept all foreign journalists on a hill outside the Gaza strip so that they could not witness what was taking place. Does my hon. Friend agree that such behaviour is not the way in which a democracy operates?

Jeremy Corbyn: Absolutely. The whole point about a democracy is that it opens itself up to accountability and observation. Israel made very sure that journalists could not get into Gaza. We should be grateful to al-Jazeera and others that remained in Gaza throughout the conflict for sending live footage of what was going on. Such action probably helped to hasten the end of the conflict rather than prolong it, which is what would have happened had they not been there.

Tom Levitt (High Peak) (Lab): Those of us who visited Gaza before the conflict and Operation Cast Lead are aware that the economic damage to which my hon. Friend refers was being inflicted even then and is still being inflicted now by the blockade. I am sure that we all welcomed the Prime Minister's support for an end to the blockade in Prime Minister's questions last week, but does my hon. Friend agree that we need action and not words on this?

Jeremy Corbyn: Absolutely. I first visited Gaza in 1998 post-Oslo. There was an amazing air of optimism around. Developments were under way and farming, education and employment were all growing; it was a great time. Go there now, and one will see the horrors, destruction and misery of life for ordinary people. In effect, the people of Gaza are imprisoned. Let us put that in a wider context. When the police in this country decide to surround a demonstration and perform a "kettling" operation, people quite quickly become angry, annoyed and distressed. They either turn on each other or on the police, and very quickly a nasty conflict develops. Think of the people of Gaza who are under occupation. They cannot travel, move, work or live a normal life. Those who have managed to develop industries and employment or who have tried to create a sense of community saw it all destroyed in Operation Cast Lead.

If we wish to bring about peace in the area, we must stop the occupation of the west bank and the imprisonment of the people of Gaza. The borders must be open and respect shown for the democratic process within Gaza and the west bank that has resulted in elected Government. Whether one likes it or not, that must fundamentally be what the democratic process is about.

Lastly, I want to turn to universal jurisdiction, which I mentioned in my intervention on my hon. Friend the Member for Battersea. I was deeply involved in the whole issue of General Pinochet, including his arrival in this country on an arms-buying spree, his eventual arrest on an extradition warrant from Spain and the historic decision by the House of Lords to declare universal jurisdiction on human rights matters to be competent for British courts. It was good enough then, and many people were very pleased with it, because General Pinochet's popularity had not lasted. People said, "This is a good thing. We are bringing murderers to justice." However, now that the Foreign Secretary and others see Israel as an ally, it is seen to be inconvenient to apply a similar process to people who said that there was no humanitarian crisis in Gaza and who ordered the bombing of civilian installations in Gaza during Operation Cast Lead. Surely they, too, have humanitarian law questions to answer in British courts should they show up in this country.

I am proud of the fact that we have universal jurisdiction in British courts, and I will in no way support the reduction of that right in any parliamentary move that is made by the Government. When the Minister replies, I suggest that he tells us that that nonsense has been dropped and that we will stick with our human rights law and universal jurisdiction. If that means that people such as Tzipi Livni cannot come here unless they are prepared to answer legal questions, so be it. It might discourage other people from bombing civilian targets in the future. Surely that is the whole point of having that law and of international human rights law.

11.36 am

Mr. Robert Marshall-Andrews (Medway) (Lab): I congratulate my hon. Friend the Member for Battersea (Martin Linton) on obtaining this important debate. I should like to touch briefly on the important legal implications of the Goldstone report rather than its content, which has been dealt with extensively by my hon. Friend with his usual clarity and articulation. Goldstone is unique; there has never been such a meticulous and judicial analysis of atrocity within so short a time of those atrocities being committed either by a nation state or by others. I have read the report and already it has achieved the iconic status that is normally, in literary terms, reserved for "Ulysses". We always used to ask each other, "Have you actually read "Ulysses"?" The answer was a test of both one's veracity and virility.

The Minister for Europe (Chris Bryant): And one's stamina.

Mr. Marshall-Andrews: Yes, and stamina. We now ask each other who has read Goldstone. I have, and found it a harrowing and dreadful experience. Worse than the destruction of schools and hospitals and the wanton blowing up of civilian targets is the wanton destruction of 40 per cent. of the agricultural output of Gaza. I have one rhetorical question that I wanted to ask when I tried to intervene on my right hon. Friend the Member for Liverpool, Wavertree (Jane Kennedy).

[Mr. Marshall-Andrews]

How does a country defend its people by wantonly destroying 40 per cent. of the agricultural capacity? More than anything else, it is the casual cruelty that is the most devastating. Goldstone mentions the casual shooting of children and civilians while soldiers do nothing except eat on the top of a tank. Effectively, they are doing it for fun. That reawakens images of the worst regiments of history; images with which my generation were brought up. I am talking about images of the Waffen SS doing precisely the same thing. That is what is so horrifying in the Goldstone report.

Let me briefly touch on the even-handedness of Goldstone. The Goldstone report centres on Israel and the actions of the Israeli army because 1,440 people have been injured and killed—including 400 children—by that army. It is hardly surprising that Goldstone concentrates on such matters. Israel is an immensely prosperous state that is supported by the most prosperous state on Earth and many of the most prosperous institutions. It is a state that, ever since I entered politics, I have supported and worked for its right to exist. It is a state born out of indescribable suffering, which happened in my lifetime. So, I do not take any criticism from those who might say that I am anti-Semitic or anti-Israeli—I am not and never have been—but Gaza opened the eyes of people like me, who had been quiet for far too long on the issue.

What happened in Gaza is chronicled in Goldstone. What is the effect?

Michael Connarty (Linlithgow and East Falkirk) (Lab): I welcome the debate. I come from a similar background to my hon. and learned Friend and have been going to that part of world since before I came into this place. Does it disturb him, as it disturbs me, that people use "democracy" and the existence of an internal electoral system that appoints a Parliament as an excuse—a smoke-and-mirrors scheme to hide behind—to justify the actions of what anyone else would say has become a pariah state?

Mr. Marshall-Andrews: I agree entirely with my hon. Friend. Democracy, laudable though it undoubtedly is, is only one hallmark of civilisation; how one behaves in that democracy is another. The Third Reich started out as a democracy; Hamas is a democracy; democracy is not the only thing. The repetition of the phrase, "This is the only democracy in the middle east", with Israel therefore deserving some special treatment, is costing us dear in international terms and in international relations.

Briefly, on the legal consequences of Goldstone, does the report have a legal base in British jurisprudence? Yes, it most certainly does—it is evidence. Ironically, one of the reasons why it is evidence is because of the extreme loosening of the evidential barriers effected by the Government in the Criminal Justice Act 2003, in the teeth of opposition from people such as myself. None the less, that is the effect: Goldstone is an evidential document in British jurisdiction, and may be used as such.

Mr. Carswell: The hon. and learned Gentleman mentions the examples of brutality cited in Goldstone, which are based on examples provided to Goldstone by non-governmental organisation evidence. The NGO evidence, as Goldstone himself stated, was based almost entirely on unverifiable publications from politicised NGOs, such as the Palestinian Centre for Human Rights, whose analysis it is fair to say is not wholly objective. Does the hon. and learned Gentleman not accept that some of the evidence base in Goldstone is highly questionable and that the report is not the objective document that he pretends it to be?

Mr. Marshall-Andrews: That interpretation of Goldstone is highly selective, but let me answer the real question, which came at the end: do I not accept that some of the evidence in Goldstone is questionable? Of course I do. I have been a criminal barrister for a long time and have prosecuted and defended—I am happy or unhappy to say—some of the most venal, serious, dangerous, nasty and on occasion violent crimes that have been committed in this jurisdiction. Of course I know that all evidence needs to be tested. That is why the report needs to be tested in a proper arena; it needs to be tested in a British court, or in a court. Brought before such a judicial test, it may well be that some parts of the report will be found wanting. Frankly, I disagree—the report is a devastating indictment, in its form, its content and the nature and background of the man who wrote it. However, that is all that it is: an indictment. That indictment cries out to be tried.

Now I come to the principle of universal jurisdiction, which so shames my right hon. Friend the Member for Liverpool, Wavertree, who would take no interventions on the subject. Let us deal with universal jurisdiction, which she finds so abhorrent. In the case of Tzipi Livni—not a case in which I was retained—inevitably what happened was that evidence was placed before a British district judge, of whom there is no criticism at all. I shall listen carefully to the Minister's reply, when he comes to deal with the issue. If he says that the district judge can be criticised, he is wholly at odds with the Foreign Secretary, who has spoken to me in such terms as, "There is no criticism of that district judge." That district judge, on the evidence placed before him or her—I do not know which, but it was a Westminster district judge—found that there was a prima facie case to answer, because of the evidence of the atrocities committed in Gaza and the authority exercised by Tzipi Livni at the time.

That is the British system. In our system, we have the contribution of the citizen to a degree not exemplified elsewhere. We have jury trial, for instance—the first trial without a jury starts today, ironically, but the basis of our system is still jury trial. The citizen decides; the citizen can initiate process; and the citizen can go to a district judge and put evidence before the judge—if the evidence is there, process will issue. That is our system and I find nothing shameful in that at all. What I find shameful is the speed with which our Prime Minister got in touch with the Israeli Government and told them that there was something wrong with our judicial process. What I find shameful is that the Attorney-General—our Attorneys-General in this Government have a lot to answer for in how they have used their office in the build-up to the Iraq war and now this—going to a Hebrew university, talked about war "lawfare" and said:

> "Israel's leaders should always be able to travel freely in the United Kingdom".

Why? Why should Israel's leaders "always" be able to travel, no matter what they do or the atrocities committed by their Government, army and the Israeli defence force on their behalf? Why? The time has long gone in this world when those who commit war crimes can believe that they can travel with impunity and immunity into civilised states and not face universal jurisdiction.

Mr. Carswell: The hon. and learned Gentleman comes from a proud tradition of the British left of being staunchly anti-imperial and anti-imperialist. Is there not something vaguely imperial about the ambition of universal jurisdiction, the idea that a British court can detain and arrest the leader of another country? Is that not an inversion of the anti-imperial tradition of which he used to be an advocate?

Mr. Marshall-Andrews: It is not just our courts, but all the courts of any country that has signed the fourth Geneva convention and its protocol. That is the point; the jurisdiction is universal, which is the precise opposite of colonial. It is a universal jurisdiction, so that those who commit war crimes and atrocities know that their movement will be restricted in the world. Ironically, those who denied the freedom of movement to others, find that movement is denied to them.

I shall oppose—I very much hope that the wider House will oppose—any attempt to restrict universal jurisdiction at the behest of any state, however powerful, whose leaders are accused and against whom there is prima facie evidence of committing such crimes.

Paul Flynn (Newport, West) (Lab): Was my hon. and learned Friend ashamed of a British Prime Minister referring to the report as describing the "crimes" of Hamas and the "alleged crimes" of Israel? Has not that perception of a lack of even-handedness—that kind of hard power—aroused the antagonism of much of the Muslim community, in our local mosques and throughout the world, and fuelled the terrorist threats?

Mr. Marshall-Andrews: I agree. The perception of partiality in respect of Israel has long dogged not just this Government but British Governments generally. It is high time that such partiality finished, with the way that is articulated—the semantics used—carefully chosen.

11.49 am

Mr. Andrew Dismore (Hendon) (Lab): I am pleased to contribute to today's debate, because it is a year on since last winter's devastating Gaza conflict and we now have the report from Goldstone. I agree with the Government that the report raises serious questions that need to be answered but at the same time is pretty flawed.

[Mr. Jim Hood *in the Chair*]

I asked the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Bury, South (Mr. Lewis) a parliamentary question about the report and he set out the flaws in November last year: it did not adequately recognise Israel's right to protect its citizens or pay sufficient attention to Hamas's actions; it made broad assertions about detailed interpretation of international law over which we differ; and it lacked an authority of Israeli perspective, so crucial to determining the legality of the actions.

My right hon. Friend the Member for Liverpool, Wavertree (Jane Kennedy) mentioned the rocket attacks by Palestinian militants, targeted at innocent civilians in southern Israel, which constituted a breach of international humanitarian law but was not addressed. As I mentioned in an earlier intervention, there have been 9,000 such attacks since October 2001.

We have heard a lot about international universal jurisdiction and the way that the Goldstone report was used to attempt the arrest in December last year of Tzipi Livni, Leader of the Opposition in Israel and former Foreign Minister. Hamas has since admitted that it worked in co-ordination with lawyers in this country on that case to try to achieve that. As my right hon. Friend the Member for Liverpool, Wavertree said, that has led to the cessation of visits by Israeli leaders and senior officials, dangerously affecting our relations with that country and, more importantly, our influence over the middle east peace process.

I should like to say a few words in support of the commitments made by the Attorney-General in Jerusalem earlier this month, and the Foreign Secretary last month, to look at ways in which the system can be reformed, because if we are going to retain our strategic partnership with Israel and continue to have a constructive role in any middle east conflict it is vital that Israeli visitors, whether in government or not, are able to come to this country for meetings with UK politicians and the wider community. It is important to recognise that Ms Livni is a strong proponent of the two-state solution and of renewing peace negotiations, yet her visit was cancelled, so she could not discuss with our Government those specific issues that would help the peace process rather than hinder it. That is the consequence of this action.

I would like to see the law reforms. I support the principle of universal jurisdiction for international law, but I would like to see our courts protected from being used as campaign forums by politically motivated groups that are not really interested in justice, but are interested in scoring party political or other political points in this long-running conflict in the middle east, which is not going to be resolved in courts of law. Our courts have been left dangerously open to political manipulation and being brought into disrepute. There is a way forward by allowing the Attorney-General to decide whether this should happen. The Attorney-General is, in the end, responsible for deciding which prosecutions should go ahead, based on the likelihood of both a conviction and a public interest test. We may have the embarrassment of leaders being arrested but no prosecution following on from that.

Although this state of affairs has little appeal to those who have serious concerns, it is now attracting the efforts of those seeking to use our law to embarrass foreign political leaders who they dislike. We need international, universal jurisdiction to deal with people such as the genocidaires from Rwanda and war criminals from Bosnia and Serbia, and the war lord from Afghanistan who was prosecuted successfully, but this is not what it was designed or intended for.

Richard Burden: If my hon. Friend is saying that a better way of operating the law of universal jurisdiction would be to involve the Attorney-General at an earlier stage in determining whether there should be arrest, not just deciding whether there should be a prosecution, does he think it was wise for that same post-holder—the Attorney-General—to go to Israel and give a guarantee in advance that, as far as the British Government are

[Richard Burden]

concerned, no Israeli leader would be arrested if they came to the UK? Is not that rather prejudicing her office?

Mr. Dismore: I do not think that is right. I think we had a serious diplomatic problem with Israel that needed to be resolved sensibly. The approach being adopted by the Foreign Secretary, with whom I discussed this matter last night, is sensible. We need to work with the Ministry of Justice and the Foreign Office to find a sensible solution to this issue to enable us to prosecute people such as the Rwandan genocidaires, yet at the same time play a constructive role in the middle east peace process, which these efforts hinder.

Lynne Jones (Birmingham, Selly Oak) (Lab): Will my hon. Friend give way?

Mr. Dismore: If I give way any more, nobody else is going to get in.

The Government have rightly called for Israel to conduct an independent inquiry into what happened, as did Goldstone, and this call has been echoed by international partners as well as many NGOs. I welcome the answer given by Baroness Kinnock of Holyhead in the other place to a parliamentary question earlier this month, saying that the Israeli authorities have carried out, or are currently undertaking, investigations into 140 separate incidents, including but not limited to the 34 highlighted by Goldstone inquiry. Although those investigations are being carried out by the IDF and not by an independent body, which would be preferable, the fact that Israel is conducting these inquiries should not be ignored. Too often Israel is painted as a country incapable of self-scrutiny. Yet we only need to look back as far as 2006, to the Winograd investigation and to 2005, to the Sasson Report, to know that this is far from true. Winograd was in response to the Lebanon conflict in 2006 and Sasson was commissioned to look into the funding of settlement expansion.

Sasson exposed the fact that state bodies were covertly diverting funds to settlements improperly and the Winograd report was critical of the military strategy employed in the second Lebanon war, particularly the decision to respond with an immediate intensive military strike, following the kidnapping of Israeli servicemen Ehud and Goldwasser. Israel has, in the past, conducted proper inquiries into such matters, found itself wanting and acted accordingly.

Israel has established a legal system that is respected throughout the world, with a Supreme Court that is open to all, with few restrictions on its jurisdiction. On 29 December 2009, the Israeli Supreme Court ruled that a 14 km west bank stretch of Israel's highway 443, a main road between Jerusalem and Tel Aviv, should not be closed to Palestinians, despite the military's fears that after six Israeli deaths on the road in terror attacks during the second intifada, opening the road could result in more deaths of Israeli citizens. Nevertheless, the Israeli Supreme Court decided that that road should be opened.

I highlight these points because they are too often overlooked. Although our Government were right to call for Israel to conduct an inquiry into possible breaches of international law during the Gaza conflict, although the Goldstone is merely an indictment not a proven fact, as my hon. and learned Friend the Member for Medway (Mr. Marshall-Andrews) said—unlike my hon. Friend the Member for Battersea (Martin Linton) who, on introducing the debate, effectively took it as proven fact—and although Israel's current investigations may not be perfect, it is right that we give Israel the opportunity to show the international community that it is taking these allegations seriously.

We should at least wait to hear the outcome of Israel's investigation before offering premature condemnations, such as we have heard today. Israel may establish a fully independent inquiry.

Mr. Marshall-Andrews: Will my hon. Friend give way?

Mr. Dismore: No, there is not time.

Several prominent Members of the Knesset, including Kadima party MK and chair of the Israel-United Kingdom Parliamentary Friendship League, Nachman Shai, have called for such a judicial inquiry into Operation Cast Lead in response to Goldstone.

Israel is entitled, as a liberal democracy, to time to respond to the Goldstone report fully. I do not see any sign of Hamas setting up an inquiry into the war crimes that it is alleged to have committed, with considerable evidence behind the allegations, such as rocketing Israeli civilians indiscriminately or using its own citizens as human shields effectively to maximise casualties to create the pressure on Israel that we have seen. Only last week, there were three rockets fired into and 10 mortar attacks on Israel from Gaza, endangering innocent lives as well as the efforts of the international community to get Israeli-Palestinian peace negotiations restarted. The situation in Gaza is unlikely to improve while these attacks are still occurring and Hamas refuses to renounce violence.

Although I disagree with the level of restrictions imposed by Israel at the crossings into Gaza, we should not forget the threat that Israel faces. Removing these restrictions means that Hamas and other terrorist groups will have greater opportunity to smuggle in weapons and carry out terrorist attacks. Hamas has, in the past, used such building materials to fortify its military infrastructure and construct weapons. Egypt's recent blocking of crossings from Egypt into Gaza, and the fact that it deported the hon. Member for Bethnal Green and Bow (Mr. Galloway), are signs of its changing attitude to some of the problems that it is now seeing, which Israel has seen for a long time.

Mr. Hood, I do not want to take up any more time. Our Government have the right approach to both international universal jurisdiction and the Goldstone report. I commend them on their stance so far and hope that that will continue and that there will be an early announcement on how they intend to deal with universal jurisdiction.

Mr. Jim Hood (in the Chair): Order. I hope to start winding up round about 12 o'clock.

11.58 am

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): Mr. Hood, I take your hint.

Like my hon. Friend the Member for Battersea (Martin Linton), whom I congratulate on securing this debate, I was an eye witness to the immediate aftermath of the invasion of Gaza—as were my hon. Friend the Member for Birmingham, Northfield (Richard Burden) and the hon. Member for Kingston and Surbiton (Mr. Davey)—as part of the first parliamentary delegation into Gaza after the withdrawal of the IDF. Therefore the report has a certain poignancy, in addition to that felt by other hon. Members who have taken the trouble to read it.

Yes, we did see the destruction of entire villages, hospitals, some of the 280 schools and some of the 95 per cent. of private industry that was destroyed. We saw the destruction of civil society, including police stations. Nearly 250 police officers were killed in deliberate bombing attacks, most on the first day of the bombing. Yes, we did stand in the rubble of the legislature in Gaza and we spoke to some of its democratically elected Members. I thought that that would have some resonance for hon. Members in this House, even those who seem to have a blind spot in discussing this issue—unlike my hon. Friend the Member for Battersea—and seeing both sides of the argument.

Yes, there were atrocities on both sides, but disproportionately and massively, more atrocities were committed by Israeli forces. If the deaths of 352 children are not a murderous act as my right hon. Friend the Member for Liverpool, Wavertree (Jane Kennedy) said, I do not know what is. We saw the evidence of white phosphorous having been used; it was still reignitable three weeks after the troops had left. Yes, I have been to Ashkelon and seen the conditions that people live in and yes, that is intolerable, but it is a functioning modern city, as Sderot is. One cannot make a comparison between the suffering of people in Gaza and the suffering of people in Israel in that respect.

I shall mention two other points. The first, which is dealt with in the Goldstone report, is the suppression by the Israeli authorities of organisations such as Breaking the Silence and B'Tselem, and the bombing of UNRWA—the United Nations Relief and Works Agency—facilities. Again, the eyewitness reports that we received and the people we met, mainly through the facility of those well respected organisations, are also unable to tell their story to the outside world. Of course, the siege continues. Only 15 per cent. of the trade that was getting into Gaza before the blockade started is getting there now.

I ask my hon. Friend the Minister two questions. First, please will he address what the Government's attitude to the Goldstone report is now and why, given the time that has elapsed, the Government cannot come off the fence and say that the allegations made in Goldstone ought to be investigated? Secondly, the universal jurisdiction point is not about the dark arts of diplomacy and Government-to-Government discussions; it is an important point about civil liberties for this country. Many hon. Members, as well as many of our constituents, will not stomach attempts by the British Government to remove traditions that we are very proud of in this country simply because somebody described as an international partner requests us to do so.

In the context of what is happening in the middle east, the failure to secure a settlement freeze, the injustice suffered by the Palestinian people, the effect that has on moderates and particularly President Abbas at the moment, in the west bank and the Gaza strip, the Goldstone report and universal jurisdiction are vital not just as arcane debating points here, but to our constituents and to the Palestinian people in Gaza and the west bank.

12.2 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): The hon. Member for Battersea (Martin Linton) has done the House a great service by proposing the debate. All the contributions so far show that people are engaged and feel very strongly on both sides.

When an action such as Operation Cast Lead happens, it is right that we get to the facts. Those of us who saw the pictures on television, whether from al-Jazeera or other sources, and who heard the reports coming out of Gaza at the time said we felt that the action was disproportionate and there was a case for investigating allegations of war crimes on both sides.

I was delighted to be invited and felt strongly enough to go to Gaza to see the situation for myself, as part of the parliamentary delegation that was mentioned. The facts that we saw on the ground in a limited, restricted way, given our time and ability to verify things, only confirmed what we had seen on television—that the destruction was huge and wanton. Some of the villages we saw had been targeted not just for military targets, but for civilian targets. We talked to people who lived there, who said that first they had been fired on from the air, then the tanks had fired on their houses and, because some were still standing, the troops then came in, laid charges and blew the rest of the houses down. We went to that village, stood on the rubble and saw house after house that had been destroyed, so if anyone tells me that they think that was correct action, fair action and along the lines of international law, I cannot accept it.

Mr. Carswell *rose*—

Mr. Davey: I shall give way to the hon. Gentleman; I hope he will answer that point.

Mr. Carswell: We all recognise that there have been many victims of the conflict and many horrific things happened, but will the hon. Gentleman also recognise that some of the victims are casualties of the terrorist tactic of launching attacks from close proximity to civilian centres?

Mr. Davey: We visited Ashkelon and saw the damage that had been done by Hamas rockets, and the report is very clear, quite rightly, that firing by Hamas and other Palestinian militant groups from Gaza indiscriminately on Israeli civilians is a war crime and a crime against humanity. I condemn every single one of those rockets fired indiscriminately against civilians. *[Interruption.]* The hon. Gentleman is talking about where they were fired from, but I do not know how he knows where they were all fired from. Some were clearly fired from civilian centres, but if he thinks that justifies wiping out—razing to the ground—a whole village, he is coming at this from a different political perspective from mine.

We did not just visit homes and speak to people. We saw the hospitals and schools that had been destroyed. We went to an ice cream factory. The report talks about the cement factory, the flour mill and the water and sewage works, but we also saw ice cream factories. We

[Mr. Davey]

met a Palestinian entrepreneur who had been working with Israeli businesses for 20 or 30 years, supplying ice cream to Israel, and had been one of the moderates in Gaza, trying to get free enterprise going in Gaza. He told us that he was absolutely disillusioned by the Israelis, how his business had been destroyed, how people had been thrown out of work and that it was completely unjustifiable because he had never allowed any Hamas militant anywhere near his factories.

Those are the facts about what we saw, but I readily confess that it was limited and could not be verified on every account. The question is how far Judge Goldstone's report gets to the truth. It cannot get all the way there. Israel refused to take part, so the mission did not hear from both sides, which is a limitation of the report, but Judge Goldstone can hardly be criticised for that.

Christine Russell (City of Chester) (Lab): Does the hon. Gentleman believe that the fact that the Israelis refused to take part enhances the perception of bias in the whole report and that it would have been much more helpful if there had been co-operation from the Israelis?

Mr. Davey: Of course. My point is that the Goldstone report cannot be criticised because one party refused to give evidence.

There are some valid criticisms of the report. One is that the resolution tabled at the UN to create the debate on the report and the follow-through from the report was biased. It was not as balanced as the report itself. The Government did not actually abstain—they were not in the room—but I can understand why they would have abstained if they had been in the room, because of the limitations of the resolution.

However, some of the other criticisms levelled at the Goldstone report do not stand up to analysis. People talk about a biased mandate. Judge Goldstone amended the mandate to ensure that it was balanced and brought in the issue of rockets fired on civilians from Gaza.

People say that the report is politically motivated; they talk about many of the shortcomings of the United Nations Human Rights Council. However, the report was written not by the Human Rights Council, but by one of the world's greatest jurists, who is an expert at looking into war crimes as a result of his experience in Rwanda and Yugoslavia.

One criticism says that the report did not adequately recognise Israel's right to protect its citizens. That is a fundamental misunderstanding of the report's mandate. The report was not set up to look into the legality of the war, but to look into the behaviour of all parties during that conflict. Therefore, I do not think that criticism can undermine the findings and thrust of the Goldstone report.

I am particularly taken by the findings of the expert meeting convened at Chatham House at the end of November last year, referred to briefly by the hon. Member for Battersea. It involved a number of experts in international and humanitarian law: Elizabeth Wilmshurst, whom people will know as the former Foreign Office legal adviser, Professor Matthew Craven, Dr. Catriona Drew, Professor Charles Garraway, Professor Steven Haines, Professor Françoise Hampson and Professor Sir Nigel Rodley. Together, they were an extremely experienced and expert group to consider issues of international law. They looked into the criticisms of the procedural aspects of Goldstone and their report concluded:

> "The meeting was of the view that the Report was very far from being invalidated by the criticisms. The Report raised extremely serious issues which had to be addressed. It contained compelling evidence on some incidents."

That is the judgment of independent academics who are experts in the field, and therefore I do not think that the report can be dismissed. I hope that the Government will tell us what they intend to do at the UN and regarding their relations with Israel, to ensure that the report is answered; it cannot be shelved. We need to hear the full answers, and to ensure that people are held to account. Any moves to undermine the need for accountability on such matters should be opposed.

12.10 pm

Mr. Brooks Newmark (Braintree) (Con): I congratulate the hon. Member for Battersea (Martin Linton) on securing the debate. My hon. Friend the Member for Aylesbury (Mr. Lidington), who would have responded to the debate on behalf of the Opposition, has asked me to express his apologies. He is visiting Tokyo at the invitation of the Japanese Government.

The contributions that we have heard this morning from both sides of the House show the strength of feeling about Gaza that exists among members of all political parties. What happened in Gaza during the Israeli military action 12 months ago was an appalling human tragedy, and today the people of Gaza—1 million or more of our fellow human beings—continue to suffer. The debate has also shown how opinions about events in Gaza have become polarised, which reflects the stark division of opinion in the middle east itself. To most Israelis, Operation Cast Lead was a necessity, a national duty even. Israel had withdrawn from the Gaza strip—dismantling its settlements and evicting settlers by force—and she hoped for peace. Instead, she saw Gaza taken over by a group dedicated to Israel's destruction and rocket attacks on Israeli civilians. When I talk to Israeli representatives, I find that they express regret about the loss of life among civilians in Gaza, but they point to the fact that in 2008 and 2009 more than 1,750 rockets and more than 1,500 mortar shells were fired into Israel. To most Israelis, including men and women passionately committed to peace and to a two-state solution, military action in Gaza was justified by the need to protect their fellow citizens.

In the Arab and the wider Muslim world, an utterly different narrative is heard. The argument there is that an imperfect but more or less effective ceasefire was wrecked by Israeli incursions into Gaza, which prompted retaliatory attacks from Hamas. Night after night, television screens showed shocking graphic images of women and children killed and maimed by Israeli bullets and shells. Not only Syria and Iran, but traditionally more moderate countries such as Turkey and Malaysia, reacted with anger.

We can understand why Israel felt compelled to take action to protect her citizens from rocket attacks, but there can be no doubt that the war in Gaza has damaged prospects for peace in the middle east and Israel's hopes for permanent security along with it, and has caused an immense and continuing humanitarian crisis in the Gaza strip. We shall not get an enduring peace in the middle east unless that legacy can be addressed, and both political and economic progress can be made with regard to Gaza. That includes addressing the serious and grave allegations of human rights violations that have been made against both the Israeli defence forces and Hamas. Throughout the conflict, we called for those allegations to be fully investigated, and we have supported the establishment of a UN fact-finding mission to Gaza and the work of Judge Goldstone. It is a pity that the Israeli Government decided not to engage with the commission, because the consequence is that the report lacks an authoritative Israeli perspective on the military and legal criteria that the Israeli defence force used.

Like the Government, we think that the Goldstone report has flaws. It refers to the rocket attacks on Israel, describing them in paragraph 108 as probable war crimes, and it also denounces how Gilad Shalit is being held and criticises Hamas for the murder and abuse of its political opponents inside Gaza, but those paragraphs make up only a small proportion of a report, the bulk of which deals with allegations against the Israeli forces and makes severe criticisms of them. It does not adequately recognise Israel's legal right to protect its citizens; nor does it pay sufficient attention to the actions of Hamas.

We continue to believe that the allegations listed in the Goldstone report need to be fully investigated, and addressed by both Israel and the Palestinians. It is a pity that the resolution tabled at the UN Human Rights Council was so utterly one-sided, failing even to mention Hamas by name. That is why we called on the Government to vote against the resolution. The Government's action in instructing the British delegate to leave the room rather than to vote either way, or even record a formal abstention, was an abdication of responsibility.

The Goldstone report also deals at length with the humanitarian problems in Gaza, which were made much worse by the war and continue today. We want to see the crossing points reopened as soon as possible, to allow food, medical and hospital supplies to be brought in without limit. The Israeli authorities have told us that they believe such humanitarian aid is being allowed through but that Hamas activists prevent it from reaching ordinary people. The aid agencies tell us that basic needs are still not being met. Will the Minister give us the British Government's assessment of the adequacy of food and medical supplies reaching Gaza, and what action they are taking to improve matters on the ground?

In a written answer dated 2 November 2009, the Government said that the United Kingdom had not yet been able to spend any of the £20 million of funding earmarked for reconstruction in Gaza because of restrictions imposed by Israel on the entry of building materials. The essential reconstruction of homes, schools and health facilities is not happening, and well over half of Gaza's population does not have daily access to water. That state of affairs is morally wrong, and can surely only add to the bitterness that will make political reconciliation even more difficult to achieve. What actions are the Government taking both bilaterally and through the European Union to find ways to accelerate the pace of reconstruction in Gaza? What is the status of negotiations to reopen the crossing points, and does the Minister believe that there might need to be some kind of international presence on the ground to help to overcome the political obstacles to restoring the normal flow of goods for civilian use?

One consequence of events in Gaza has been the increased risk to Israeli politicians of arrest if they visit the United Kingdom, as we have heard in today's debate. It is essential that Israeli leaders should be able to come to this country to talk about bilateral relations, and in particular about the middle east peace process. I note that the Attorney-General said recently that the Government intended to address that problem, possibly by changes to legislation, but I hope that the Minister will give us a bit more detail when he replies.

It is in the interests of the United Kingdom to see a genuine and enduring peace settlement between Israel and the Palestinians. In our view, that settlement has to be based upon a two-state solution in which Gaza forms an integral part of a sovereign and viable Palestinian state. Such a solution is vital to the future safety and security of Israelis and Palestinians alike.

12.19 pm

The Minister for Europe (Chris Bryant): I wholeheartedly congratulate my hon. Friend the Member for Battersea (Martin Linton) on securing the debate. He has always been a courageous politician, who speaks out on the issues that matter most to him, and I hope that he has a successful year. I also congratulate him on how he has advanced his cause. Many of us saw the horrific events last year, and have responded all around the world with heartfelt concern for those affected. My hon. Friend put his case very well.

The Government's position starts firmly from the belief that, in all our responses, we should focus on the desirability of an enduring peace in the middle east. All hon. Members will know the Government's position, but I state for the record that we believe in a two-state solution, with a viable—not violable, as I believe I heard the hon. Member for Braintree (Mr. Newmark) say—Palestinian state and Israel secure within her borders.

Of course, as two of my hon. Friends said, Israel has an absolute right to protect itself. However, that does not give it carte blanche to use any means that it wants, and nor does it allow it to stray beyond the bounds of what is morally right or what is legally right under international law—or, for that matter, under its own law.

Similarly, Israel has a right to build homes for its people, but it does not have the right to build homes exactly where it chooses. We have made it absolutely clear that we are critical of all plans to continue with the settlement process, particularly in East Jerusalem. We believe that Israel should stop all illegal settlements. Indeed, that is why we supported the statement made at the European Council's December meeting:

> "The Council is deeply concerned about the situation in East Jerusalem. In view of recent incidents, it calls on all parties to refrain from provocative actions. The Council recalls that it has never recognised the annexation of East Jerusalem. If there is to be genuine peace, a way must be found through negotiations to resolve the status of Jerusalem as the future capital of two states."

That is strongly our view as well.

We also urge upon Israel the absolute seriousness of the humanitarian situation in Gaza, which was mentioned by several hon. Members. It is morally indefensible to

[Chris Bryant]

kettle the Palestinian people. The hon. Member for Braintree asked about the Government's view on enabling the reconstruction of Gaza. We do not believe that that is moving fast enough. With our colleagues in the European Union, we have urged Israel to be open to much more humanitarian aid. We are not able to provide the support that we stand ready to give, and we urge Israel to do more.

Mr. Carswell: The Minister says that we should ensure that we do not kettle the people of Gaza. Two countries border Gaza. Egypt, too, has responsibilities in that regard.

Chris Bryant: Yes, of course. That is why we want to ensure that humanitarian aid can get through. However, aid is also needed to enable people to rebuild homes that were destroyed a year ago. To us, that seems a vital part of the ongoing peace process. That is why I am glad that the European Union came to a clear view on the matter before Christmas. The continued policy of closure was unacceptable and, we believe, politically counter-productive.

Jane Kennedy: I am sorry to interrupt my hon. Friend when he is in full flow. The EU passed a view on that point, but may I press him on the matter? Will the EU, and my hon. Friend in discussion with other Ministers, do more than take a view and come together to see whether solutions cannot be found to help Israel find ways to open the border crossing?

Chris Bryant: Yes. There is constant discussion between our Prime Minister and others, particularly Mr. Sarkozy, the President of France, about how we might do that. However, I do not want to underestimate the difficulties. Of course, while Hamas refuses to renounce violence, it will always be more difficult. I return to the fact that, especially in winter months, there is a real humanitarian crisis in Gaza. We want to see humanitarian aid and other aid get through as fast as possible.

Several hon. Members spoke of universal jurisdiction. We wholeheartedly support that concept. That is why we have always supported the International Criminal Court. On a slightly different point, it is why we have always supported the European arrest warrant. There are crimes that need to be prosecuted, whether through the European arrest warrant or the international arrest warrant. We need people to appear before a court, and to be prosecuted. However, the direct parallel with General Pinochet drawn by my hon. Friend the Member for Islington, North (Jeremy Corbyn) is a slightly different matter.

I was disappointed that, for a time, it was not possible to bring Pinochet to trial for the undoubtedly criminal acts that he ordered in Chile, not least because several of my friends were killed there under his dictatorship. That case was slightly different, however; the problem was extradition. In the present case, it is vital that international war crimes are prosecuted. It seems odd and unusual that in England and Wales—but not in Scotland, which has a different legal system—arrest warrants can be sought and issued without the prior request of the police or the advice of a prosecutor. That is different from what pertains in many other countries. The key point is that we wholeheartedly support the concept of universal jurisdiction. The question is how it is prosecuted in individual countries. Discussions about how we can move forward are ongoing, and I hope that they will bear fruit in the near future.

Jeremy Corbyn: The problem with the Minister's description is this: if the law is changed to allow the universal arrest warrant to be issued against individuals only with the permission of the Director of Public Prosecutions or the Attorney-General—or the Home Secretary, the equivalent of the Minister of the Interior—one moves straight into the political field. We have already heard statements from Ministers here that Israeli Ministers and leaders, whoever they might be, must be free to travel in this country. That suggests that the ability to obtain an arrest warrant through a district judge is a powerful and important instrument for human rights and humanitarian law.

Chris Bryant: In some aspects, my hon. Friend has a point. It is not that the Government want literally any politician, anywhere in the world, to be free to come to the UK because we want a conversation with them. However, I push it back to my hon. Friend: if we are to secure peace in the middle east it would be difficult were politicians—it is different for Ministers, as they would not be caught—not able to travel to the UK. We have an important role.

Several hon. Members *rose*—

Chris Bryant: I give way first to the hon. Member for Harwich (Mr. Carswell).

Mr. Carswell: Briefly, on the Tzipi Livni case, will we change the law? Yes or no? If so, when?

Chris Bryant: The hon. Gentleman did not quite catch me saying that discussions are ongoing, but I am sorry to say that I shall disappoint him. I am not able to reveal what the Government intend, but I hope that we will soon be able to do so. We support the idea of universal jurisdiction, but how it is applied in the UK is a matter for us to consider. None the less, other countries would not be able to move to a prosecution without a prosecutor having made a case, and without the police having requested a warrant. It is important that we move to a system under which politicians from Israel—and, for that matter, other countries—should be able to travel to the UK, but as I said earlier, it should not be a carte blanche arrangement for all.

Richard Burden: That goes to the heart of why people believe that there are double standards. The Minister refers to what the Government are looking at doing in relation to the question of international jurisdiction and its applicability in the UK. In relation to settlements, the blockade and Goldstone, he speaks not of what the Government are doing but of what they are saying. If they are going to do something about universal jurisdiction, what will they do to ensure that the Goldstone report is properly investigated and the matter tried in an internationally recognised institution?

Chris Bryant: My hon. Friend is absolutely right. Incidentally, I pay tribute to my hon. and learned Friend the Member for Medway (Mr. Marshall-Andrews);

it is a sadness that Parliament will not have the benefit of his counsel after the election. However, he and my hon. Friend the Member for Birmingham, Northfield (Richard Burden) both said that evidence needs to be tested. They are right.

I pay tribute to many elements of the Goldstone report. There were 188 interviews, and more than 300 reports were reviewed. However, it does not provide the whole story. The report itself acknowledges that, but it was for reasons to do with Israel's not providing evidence and not engaging with the report, which we deprecate. We wish that Israel had taken part.

Davies Review

12.30 pm

Mr. John Grogan (Selby) (Lab): This is the fifth time that I have had the pleasure of initiating a debate on free-to-air sporting events. The first such occasion was on 2 April 2003—we were all so much younger then—and that was followed by debates in January 2005, in 2008 and in April 2009. However, I have never been more optimistic or more chipper about the future of listed sporting events than I am on this occasion, and that is largely because of the findings of the Davies committee review of listed events. The Davies review is the fifth such review since 1981, when the then Conservative Government passed the Broadcasting Act 1981, which put listed events on a statutory basis for the first time; before that, there had just been an agreement between the BBC and the Independent Broadcasting Authority. With some reservations, I welcome many of the recommendations in the Davies committee report.

Three fundamental principles underlie the report. First, it recognises the relevance of listed events in the digital age. Although there will be far more channels than in the past, not everyone will be able to afford the £400 that Sky Sports, for example, costs, so the basic divide will remain.

Secondly, the report provides interesting analysis of how many people have access to premium sports channels. Frontier Economics did a study for the committee and calculated that on the basis that 60 per cent. of BSkyB customers and 25 per cent. of Virgin Media customers subscribe to premium sports channels, and given that Ofcom estimates that there were about 12.5 million pay-TV households in 2008, about 6.1 million households have access to premium sports channels, which means that an awful lot of households have no access.

Thirdly, the review provided statistics underlining the fact that an event will attract far more viewers when it is on the A list than when it is on subscription TV. There are many examples of that. When Andy Murray was in the final of the 2008 US Open, viewing figures on Sky peaked at 1.4 million, compared with 12.7 million on the BBC when Nadal played Federer at Wimbledon. In the same year that viewing figures for Open golf reached about 13 million on the BBC, those for the Ryder cup reached about 3.6 million on Sky.

I welcome the fact that the Davies review reinforced all those points. I also welcome the additions that the review proposed to the A list of events that must be made available to free-to-air TV.

Bob Spink (Castle Point) (Ind): Before the hon. Gentleman moves on to the debate about the A list, may I congratulate him on bringing to the House a debate that affects the quality of life of millions of people? People are really interested in this issue and want us to address it and get policy right. Before he moves away from Sky, however, does he deplore its charging policy for pubs and clubs, which adds to the divide that he mentioned and denies access to key sporting events to a group of people who work hard all their lives and who deserve to see sporting events?

Mr. Grogan: As chairman of the all-party group on beer, I can tell the hon. Gentleman that the issue of subscription TV access to sport in pubs is often pressed on me. Sky's charges have gone up by about 800 per

[Mr. Grogan]

cent. over the years, which makes it difficult for many publicans to show subscription sport. It is also unfortunate that publicans can access Sky Sports channels only through the Sky Sports platform and not other platforms, which is a restraint on competition.

Mr. Rob Wilson (Reading, East) (Con): I, too, congratulate the hon. Gentleman on securing a debate on a long-held interest of his, which I share. Although I accept that the viewing figures are much lower on paid-for TV channels such as Sky, does he accept that Sky has done an enormous amount to raise the standard of TV sports coverage?

Mr. Grogan: I accept entirely that Sky Sports coverage, for those who have access to it, is magnificent. Sky has developed its platform and its business in an era when listed events have been part of our lives, so the two are not incompatible. For the serious sports fan who can afford subscription sport, Sky and ESPN—there could be other players in the future—play a magnificent and important role.

The six events that the Davies committee suggested should go on the A list were the home Ashes cricket series; the qualifiers for the European football championships and the World cup in the home nations concerned; Welsh rugby union matches in the Six Nations, for broadcast just in Wales; and the Open golf championship, the rugby union world cup and the Wimbledon tennis tournament in their entirety.

I have two qualifications, however, about a couple of the deletions that the report proposes from the A list. First, it is interesting that the British Olympic Association has opposed the deletion of the winter Olympics. We are all looking forward to Vancouver in a few weeks' time, and who knows when we will have another curling moment or another Torvill and Dean moment, when the nation, to its surprise—certainly on the former occasion—was gripped by British success at the winter Olympics? The British Olympic Association is wise to suggest that the winter Olympics should remain on the list. Similarly, the rugby league challenge cup final has been discussed in a separate debate, so I will not dwell on it, but it is seen as a central event in national life, particularly in the north of England, and there is a case for keeping it on the list, particularly as that is the view of the rugby league authorities themselves.

Secondly, Davies suggests dropping the B list of events that must be made available in highlight form. Highlights were extremely politically controversial last year, when the highlights of the England versus Ukraine football match became available only at the last minute and those of the British Lions tour of South Africa were available only in Wales. That shows the potential for the B list to help viewers.

The central point I want to address is that the governing bodies may not have reacted quite so positively to the Davies committee report. Some have suggested that expanding the A list will have a real impact on grass-roots support, and I want to rebut that argument in a number of ways.

First, it is worth remembering that many of our sporting competitors have protected-list events. In Australia, for example, cricket test matches are listed, and Australians could sit up through the night last summer watching their national team's defeat, even though we could not have the pleasure of doing so in the UK without access to Sky TV. I have spoken to Cricket Australia, which is much more positive about Australian legislation on the issue—also being reviewed at the moment—than the England and Wales Cricket Board is about proposals here, and it is possible that some 2020 events will be listed in the Australian review. In Australia, people argue that English cricket is an example of why the country needs to retain its list. Equally, in Germany, France, Ireland, Belgium and Italy, the national football team's qualifying matches are currently listed.

It is also worth remembering that free-to-air broadcasters do not get their rights for free when it comes to the A list; they have to pay a fair and reasonable price. The rights holders—the ECB or anyone else—can appeal to the regulator, Ofcom, to set that price, which is partly based on past prices and the state of the market. Most governing bodies recognise the need for balance and share their rights between free-to-air and subscription broadcasters. Rugby league famously does that and has seen a continuing increase in its income over the years, sharing coverage between the BBC and Sky. Rugby union and golf also adopt such an approach. The ECB has adopted a rather different approach in recent years, but it has been controversial in English cricket, and indeed was one of the major issues dividing the counties the last two times that Giles Clarke stood for election to the ECB.

I would argue that in the national interest, some limited intervention is necessary, and I look to the views of Andrew Strauss, the England cricket captain. On 20 November 2009, *The Times* reported that Strauss had declined to support the ECB's campaign to continue being allowed to sell broadcast coverage of the Ashes to the highest bidder in the free market:

> "The England captain preferred to cite both sides of the argument rather than explicitly back his employer, which has claimed that returning live Ashes matches to terrestrial broadcasters from 2016 would lead to significant cuts in funding...Strauss described the case for a return to terrestrial television as 'very important and very valid', adding: 'If more people watching a cricket match means that more people play, that is a huge benefit, but if you have more funding to allow people to play the game then that is important as well. There are two sides.'".

That statement was brave and important.

Mr. Wilson: The hon. Gentleman makes an extremely powerful case. Does he agree that coverage of the home Ashes could be shown on both free-to-air and pay TV, as in South Africa?

Mr. Grogan: Absolutely, and the listed events regime allows that to happen. For the Ashes, we are in effect talking about 2017 because the 2013 series has already been sold. However, that seems to be the obvious solution, and there are precedents for it. This year and in previous years, Sky and the BBC have both shown the FA cup final live, and in the future that will be true of ESPN and ITV. In all cases, only some of the rights of any governing body will be listed. For cricket, the vast majority of test matches, one-day internationals and so on will be up for sale to the highest bidder, should the ECB so wish. It is unlikely that Sky and other subscription broadcasters will walk away from the table, particularly if there is the potential to simulcast the Ashes series in 2017, which is some way away.

There are also the national football teams of Scotland, Wales and Northern Ireland. It is a great pity that until Scotland qualifies for a European championship or a World cup, someone could grow up in Scotland and never see their national team on free-to-air TV. It is important to recognise that the Davies proposals suggest that qualifying matches be listed only in the home nation concerned. Football authorities in Scotland would still be able to sell the rights to the rest of the United Kingdom, and there would probably be competitive bidding, particularly between the BBC and ITV. With digital expansion, many more channels will meet the qualifying criteria of availability to 95 per cent. of the population. Once we have digital switchover, instead of five channels qualifying for those criteria, there could well be 10, 15 or more.

Most governing bodies receive public money from the lottery and the Sports Council to fund grass-roots sport and other activities. That is explicitly recognised in the Government's consultation document, which states that

"the Secretary of State…considers that a further factor that may be of relevance in the balance, is the extent…to which the sport in question has received direct or indirect public funding".

Between 2009 and 2013, Sport England will give £37 million to cricket and £30 million to rugby union. The best figure I could find regarding how much money is raised for grass-roots cricket from broadcasting contracts was around £13 million. That figure came from a study by Deloitte for BSkyB. The amounts of money that go in from broadcasting and from the public purse are not dissimilar. It is worth remembering that £1.5 million of national lottery funding was invested in the new Welsh rugby union centre of excellence, which opened last month. SportScotland gave the Scottish Football Association £1.4 million last year.

If the governing bodies believe in an entirely free market approach, why are they receiving public money? They cannot have it both ways. If hard-pressed taxpayers and lottery players are funding sports, should they not be able to see some of the events on free-to-air TV?

There is another interesting phrase in the Government's consultation document:

"The Secretary of State also provisionally considers that a properly managed sporting body is likely to wish to have a diversified income source, in particular because of the recognised vagaries of broadcasting revenue streams."

According to Giles Clarke's written evidence to the Davies committee, 80 per cent. of cricket's income is from broadcasting revenue, double that of the next nearest sport, which I think is Scottish football where about 40 per cent. of income is derived from broadcasting. Clearly, there is an imbalance, which cricket needs to address.

There is some controversy over the figures for participation in cricket. Cricketing bodies argue that participation has increased in recent years, but research for the Department for Culture, Media and Sport and Sport England suggests that if there has been an increase it has been marginal compared with sports such as cycling and athletics, which have much greater exposure on free-to-air TV.

It is likely that sponsorship will be higher with free-to-air exposure. On 13 October 2009, *The Times* reported that Kevin Peake, the marketing director of npower, had hinted that having the Ashes back on free-to-air television might persuade the company to continue sponsorship beyond its present deal, which expires in 2011. A recent report from Deloitte, commissioned by BSkyB and entitled, "The impact of broadcasting on sports in the UK", noted that for rugby union, a key benefit of the Six Nations free-to-air strategy was the impact on sponsorship revenue. Exposure on free-to-air TV could have various effects.

I have a number of further points. I urge the Government to make a decision swiftly after the consultation period ends in March. As I understand it, this is an area where a Minister can decide; there is no further parliamentary process and it is something that can be wrapped up before the general election. I hope that free-to-air broadcasters look carefully at the new list, if there is one. There is a responsibility, particularly on the BBC, to look at the list that Parliament has decided on and do everything possible to ensure that events on the A list are shown on free-to-air TV.

Finally, the former Prime Minister, Tony Blair, always told the parliamentary Labour party that it was through the little things in government that a difference could be made. This is not a matter of life and death, or peace and war, but—as the hon. Member for Castle Point (Bob Spink) pointed out—it affects the quality of life of many people. Many people have spent their lives volunteering as coaches, for example, in a variety of sports, and they would like to spend their retirement being able to watch the great national and international events on television. It is impossible to calculate the impact of sport on young people in inspiring them to take up cricket, rugby, football or athletics. When the Olympic games are on free-to-air TV—I am told that the BBC wants to show every event live in 2012—there will be a huge impact on the next generation in encouraging them to take up sport. That impact cannot be measured, but we know that it is of tremendous value to our society.

12.48 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Siôn Simon): Let me congratulate my hon. Friend the Member for Selby (Mr. Grogan) on securing the debate and on his erudite and insightful tour d'horizon from which, I am sure hon. Members will agree, we have all profited. He has been a dogged campaigner on this issue for many years, and he now describes himself as chipper, which will please us all.

I start by reaffirming the Government's belief in ensuring that as many people as possible have the opportunity to enjoy our great sporting events via free-to-air television. We all recognise that sport is a key element in our national identity and part of the glue that binds us together as a society. The excitement and interest generated by major sports events is something that little else on television can match.

The decision to review the listed events regime, to ensure that it was fit for purpose, was based on a number of factors. The Government recognised, as my hon. Friend said, that with the development of digital technologies and other changes to the broadcasting environment, viewers now have a much greater choice of channels, as well as a greater range of different ways to view sporting events. Viewers' attitudes to subscription TV and the consumption of premium content, especially

[Mr. Siôn Simon]

sports coverage, have changed, and to take account of those developments we set up an independent panel to review the regime and make recommendations to the Secretary of State. The panel, under the chairmanship of David Davies, was asked to review three areas: the principle of a list; the criteria against which listed events could be chosen; and the content of any list.

As part of its work, the panel recognised the importance of ensuring that its recommendations were informed by as wide as possible a range of views. It undertook a public consultation from 8 April to 20 July. At the same time it wrote to 187 sporting, media, broadcasting, viewer and other organisations—domestic and international—inviting them all to participate in the consultation exercise. It consulted very widely; Davies did not just make it up. Some of the organisations had meetings with panel members; others made submissions in writing. The panel visited the Scottish Parliament and the Welsh Assembly and arranged a joint meeting of the all-party groups on media and sports to hear Members' views directly. The panel also commissioned quantitative and qualitative research to ascertain broader public views, and an initial analysis of viewing patterns, as well as a general analysis of the impact of listing on the sale of sports broadcast rights.

The panel reached clear conclusions as to the criterion that should be used in determining whether an event was capable of being listed—the major event test. It should be an event that

> "has a special resonance and not simply a significance to those who ordinarily follow the sport concerned".

Such an event is likely to be a pre-eminent national or international event in sport or to involve the national team or national representatives, and is likely in any event to command a large television audience. The panel identified a number of events that it felt passed the test, as set out in the report.

In response to the report, the Secretary of State has provisionally concluded that he should accept the panel's recommendations on the retention of a list in principle and the use of the major event test to draw up the list. He has also provisionally accepted the events that have been identified as passing the major event test. The Secretary of State considers that the panel has come forward with a persuasive set of reasons for retaining the listing system. He provisionally agrees that as many members of the UK population as possible should have access to the important sporting events in question.

The media landscape is changing fast, but it appears from the material before the panel that for varying reasons a significant proportion of the population do not have access to pay television and that although some can see such events in other ways—perhaps, expensively, at the pub—a significant proportion of the population do not do so and will not in future. The Secretary of State is particularly concerned about the inability of those on low incomes to access subscriber services upon which such events might otherwise be broadcast. He considers it important that the UK and its individual nations should be able to promote their individual sense of identity. One way in which that is achieved is through our all being able to join together in enjoyment and celebration of such important events. However, it is important to recognise that the panel expressed no view about, and took no account of, the impact or consequences of listing on a sport or sporting body, stating that it considered that such matters were for the Secretary of State to take into account. My hon. Friend the Member for Selby put forward, interestingly and at some length, arguments to offset those that he anticipates will be put by some sporting bodies whose events have been added to the list.

The Secretary of State's provisional conclusion is that, in making any final decision on which events should be listed, he should take account of the possible impacts that such listing might have on the sport in question and on those broadcasters affected. For that reason he considers that the major event test should be accompanied by an impact assessment. That will involve his considering any matters relating to the impacts of listing that are drawn to his attention, and then assessing whether listing would have a disproportionate impact on the interests of those adversely affected by it. Having reached his provisional conclusions the Secretary of State is required to carry out a statutory consultation with the broadcasting authorities and any affected rights holders, in line with the Broadcasting Act 1996, before announcing his final decision. The principal factors that the Secretary of State has provisionally concluded should be taken into account are set out in the consultation document, which was published last month.

It is important to emphasise that the Secretary of State has provisionally arrived at the conclusion that he will accept the recommendations in the report, but that he will consider the implications for sporting bodies and grass-roots sport, and has not reached any final views. He is still considering the issues.

Bob Spink: The Minister is making an impressive speech, as always. When will the Secretary of State make an announcement? Will it be before the general election?

Mr. Simon: The Secretary of State firmly intends to make an announcement before the election, even though the consultation process does not close until, I think, the first week of March. It is a tight timetable in which to do a proper job, but that is clearly his intention. The consultation is intended as an opportunity for those who want to respond to do so.

Mr. Rob Wilson: Will the Minister be clear about when the impact assessment is taking place—particularly for the home Ashes series? Is it under way? Otherwise, how will it be possible to make an announcement before the general election?

Mr. Simon: The impact assessment is the consultation process. As part of that process the impact on sports and their revenues and on grass-roots sport is to be considered now, given that it was not considered as part of the Davies review. All of that will inform the firm conclusions that the Secretary of State will seek to reach—having provisionally announced the conclusions that he has already come to—as soon as possible after the consultation closes at the beginning of March.

As hon. Members will know, listing does not guarantee that an event will be shown live on free-to-air television. Similarly, excluding an event from the list does not necessarily mean that it will be lost to free-to-air television.

We await the Secretary of State's final views. We must not, and I cannot, pre-empt the consultation. Hon. Members, and my hon. Friend the Member for Selby in particular, made good points and expressed strong views in the debate. The process remains open for interested parties to make input on any aspect of the consultation, particularly on the impact on finances and grass-roots sport. It is open to anyone, so I encourage anybody with a strong view to put in their views before 5 March. I reiterate the Secretary of State's firm intention to reach a final conclusion swiftly after that.

Kurdistan

12.58 pm

Mr. Andrew Pelling (Croydon, Central) (Ind): It is a pleasure to serve under your chairmanship, Mr. Hood, and I am grateful for the opportunity for this debate. I am pleased to see the Minister. I admire him greatly for his conscientiousness in his task, and for his care and concern about the issues for which he is responsible.

I am also pleased that other hon. Members can be here to support the debate, and shall be happy to give way liberally to anyone who wants to intervene, and, subject to your consent, Mr. Hood, and the Minister's, to cede time to hon. Members who want to contribute. The hon. Member for Sheffield, Heeley (Meg Munn) returned from Kurdistan only this weekend, and I am sure that hon. Members will be keen to hear what she has to report to the House. I know that the right hon. Member for Coatbridge, Chryston and Bellshill (Mr. Clarke), who chairs the all-party parliamentary group on the Kurdistan region in Iraq, will also want to contribute to the debate.

I place on record my appreciation of Ibrahim Dogus, who has lobbied me since I was a London assembly member in 2000 on Kurdistan and the interests of the Kurdish community here. We have a very large Kurdish community in Croydon. I would also like to place on record my thanks to Akif Wan, of the Peace in Kurdistan campaign, for all the briefings that he has given me over the years.

In the debate today, we have to canter through the issues, in terms of Kurdistan sitting abreast of Turkey, Iraq, Syria and Iran. However, I will try to touch on those concerns one after the other.

In many ways, as British people we have some responsibility in the area, bearing in mind both the failure of the commitments we made, up to and including the treaty of Sèvres, and the 1946 expulsion of the Kurdistan Democratic party from Iraq by Britain after the second world war. However, that should not distract us from the fact that we have vital interests, separate from those of Kurdish people, in seeing proper peace and good trade in Kurdistan, not only because we are suffering from the difficulties of a clash of civilisations but because the region is of high importance to us in terms of our own energy security and that of our European partners.

Of course, those considerations should not blind us to the importance of continuing to support the Government's policy of being strongly opposed to any terrorist outrages by the PKK—the Kurdistan Workers party. However, I think we can be very positive about the approach that Kurds take. In the main, Kurds are secularist and have a very good understanding of the geopolitics of why it is not in the interests of the west to see an independent Kurdistan.

We need to recognise that the Kurdish community in London is a very large contributor to the city. There are 250,000 Kurds in London and the rest of the UK. Obviously that is a smaller number than the 2 million who are in Istanbul, but none the less one can recognise the important part the Kurdish diaspora plays in Turkey.

Turkey is a country that, in many ways, is a bulwark for security in Asia Minor. It is an ally of ours that has one of the biggest armies in NATO, an economy that is dynamic and a population with a very young age profile.

[Mr. Andrew Pelling]

Therefore it would make a worthy entrant to the European Union. Nevertheless, it is important for us that any discussions about EU membership for Turkey should take the best possible advantage of any leverage to secure the proper treatment of Kurdish minorities, particularly defence of Kurdish people's right to use their own language fully—not only within Turkish courts, as is currently allowed, but within political discourse in Turkey—and most importantly in terms of human rights.

Bob Spink (Castle Point) (Ind): I congratulate the hon. Gentleman on securing this important debate. However, does he share my disappointment that the EU does not appear to have effectively used its influence to get Turkey to change its attitude to human rights generally and to the Kurds in particular? I am sure that he will acknowledge our debt to Kurds and Kurdistan and that the UK has a historical duty to those people and that region. This country has betrayed those people for more than a hundred years, not least in failing to defend them properly during the atrocities—

Mr. Jim Hood (in the Chair): Order. I think that the hon. Gentleman is making a speech and not an intervention.

Mr. Pelling: I am very grateful, Mr. Hood, for the comments of my hon. Friend. Britain has a great historical responsibility to the Kurds and it is incumbent upon the Government and indeed upon Members of the European Parliament to continue to be active in ensuring that further discussions on Turkish EU membership are used to the best advantage.

John Hemming (Birmingham, Yardley) (LD): In Birmingham, there are quite a few Sorani Kurds. Does the hon. Gentleman agree that the lessons to learn in terms of protecting all sorts of minorities—be it Turkmen minorities within Kurdish areas or otherwise—are on the ways to avoid disputes developing into more volatile disputes involving terrorism?

Mr. Pelling: I know that the hon. Gentleman has an important Sorani Kurd community in his constituency. In that regard, it is interesting to note how the Kurdistan regional government, or KRG, area has thrived, which shows, as he said, the importance of combating the temptation to go down the terrorist route. What is perhaps encouraging is that the Kurdish community has quite often acted in a very responsible way despite having many reasons for feeling antagonised.

Obviously we are going through one of those periodic bands of Kurdish political parties that reflect the rather complicated army/democracy or non-secularist/secularist Ataturk traditions in Turkey. However, it is entirely unhelpful that we have ended up in a situation where the DTP—the Democratic Society party—is again facing the prospect of being banned.

There are 3,000 Kurdish children in detention in Turkey and there has been a significant number of arrests of Kurdish politicians. For example, there has been the arrest of Ahmet Turk, whose surname is itself an irony, because it shows how someone's own language or nomenclature cannot be used, and the arrest of Aysel Tujluk. That situation means that there is a clever political arrangement whereby the number of Kurdish representatives in the Turkish Parliament is taken below the required 20, such that the party cannot operate any more.

When one thinks about the violent forced evacuations of Kurdish villages that took place in the 1990s, one can understand why Kurds might feel the temptation to be very aggressive on these issues. However, it is encouraging that Ocalan, who has been put into even worse solitary confinement conditions, is urging his colleagues to go down the constitutional route. It is also encouraging—although there may be a repeat of previous experience—that a new party, the Peace and Democracy party, will be launched on 1 February.

There are obviously many implications for the whole region. Many of us also have Greek Cypriot and Turkish Cypriot minorities in our communities. I was very pleased to meet the Greek Cypriot Democratic Rally leader, Nicos Anastasiades, because obviously there is also an issue in relation to Cyprus. It is encouraging that, in many ways, Turkish Cypriots are now moving closer.

We should encourage Turkey to take a very positive view of tolerance of Kurdish language rights and other rights. Furthermore, through the European Union, we should encourage Turkey to respond to the issue raised by my hon. Friend the Member for Castle Point (Bob Spink). The EU should say that a condition of EU membership for Turkey must be the proper economic development of south-east Anatolia, so that the inequalities that exist there are dealt with.

Let me now move on to talk about other countries. In Iran, it is disturbing that although Kurdish people are very willing to work with the state, there is arbitrary arrest and in reality we face the situation of judicial killing. One such judicial killing has already taken place and 12 other Kurds are on death row. In Syria, quite clearly there is much arbitrary detention and torture.

As for the KRG, it is a story of great success. One of the reasons for that is the visionary way that John Major acted, to ensure that there was no bombing of northern Iraq after the first Gulf war. However, there are still many important issues and concerns. One is where the writ of Kurdistan runs to. Does it include some areas around Mosul—not Mosul itself, but some villages around Mosul that in reality are more Kurdish than Iraqi? There is also the important issue of having a proper oil revenue-sharing agreement, so that there is the best possible investment in the area.

As a country, we have a real interest in and concern about the amount of trade that we can do in the area. To some extent, we are being overtaken by the Germans, the Scandinavians, the Italians and, of course, the Turks. In many ways, many organisations that invest in Kurdistan are actually partially owned by parts of the Turkish army. We have a great interest in ensuring that we do our best. I am sure that good work is done by the embassy representation in Erbil, but there might be advantage in having Department of Trade and Industry representation there as well.

I have one particular interest. It is not a personal interest, but I have a long-standing friend with an interest in the provision of a direct air link between London and Erbil. Currently, the journey is expensive and is normally made via Vienna. I understand that the UK is not happy to have direct flights back due to security issues, but the issue could be resolved by making greater provision for air marshals on such trips and by investing properly.

There have been great controversies in the House about the KRG's approach to minorities. Early-day motions have been tabled about the treatment of Christians and the prospective expulsion of Christians and Assyrians from the KRG area. That might be due partly to the fact that there has been a great deal of confusion about property rights post-Saddam. I would be interested to know the Government's view. To what extent do such issues exist within the KRG area? The Bishop of Croydon has certainly spoken out on the persecution of Christians there as an issue of concern. However, we must not let that blind us to the fact that the KRG has been especially successful, although we must be worried about further political shootings as a result of the tensions arising from the elections this March.

What are the Government doing to persuade Turkey of the poor merits of banning the DTP? What pressure are they bringing through the European Union to ensure that if Turkey is given entry, the rights of Kurds will be protected fully? Would we consider observing elections properly, in Kurdistan, in Iraq and in Turkey, to ensure that Kurdish rights are protected fully? What can be done to promote our trade interests in Kurdistan and encourage direct flights to Erbil? Finally and perhaps most controversially, what does the Minister think would be the advantages of pushing for the release of Ocalan so that we could have a constitutional rather than terrorist-based settlement for Kurds within Turkey?

1.12 pm

Meg Munn (Sheffield, Heeley) (Lab/Co-op): I congratulate the hon. Member for Croydon, Central (Mr. Pelling) on securing this debate and thank him warmly for his generosity in allowing me to make a short contribution. I chair the all-party parliamentary group on the Kurdistan region in Iraq, and, as he said, I have just returned from my first visit there.

The year 2003 brought liberation for the people of the Kurdistan region of Iraq, who made up the only Iraqi force that fought alongside British and American forces. However, I believe that the UK has overlooked Kurdistan, the most secure and successful region of Iraq, undermining the whole country's renewal and hindering British commercial and political objectives.

Politicians and businesspeople whom I met were mystified and disappointed by the British Government's behaviour since liberation. As the Prime Minister said to me, Kurdistan is the success of UK policy, yet the policy has not involved equal treatment for all the people of Iraq. The UK has been reluctant to develop our relationship with the Kurdish region for fear of causing problems with the majority Arab population, and its continuing improvement and success in the development of democracy and the security of the people is not being embraced as a model for the wider region. Instead, the British Government's failure to update their understanding of the security situation in the region has damaged British interests.

Trade must be a greater priority in Iraqi Kurdistan. Companies investing there can later expand their operations to the south. For many British and other companies, Kurdistan is now the only part of Iraq that is truly open for business; the rest is only partially open, although I hope that it will catch up with Kurdistan as soon as possible. Kurdistan's political, civic and business leaders have long appealed for such links. They appreciate the quality and expertise of British companies and institutions and wish to be our political and security ally.

As the hon. Gentleman said, we have fallen behind a number of other European countries. There has been no official UK ministerial trade mission. The trade missions that do go to the region have no support from UK Trade and Investment. The embassy office in Kurdistan's capital, Erbil, is understaffed compared with other missions and marooned many miles from the capital, although staff recognise the opportunities and do their best to deal with the inadequacies of the situation.

Many people mentioned the problem of visas. Chambers of commerce members whom we met told us that business people from Kurdistan travel regularly—sometimes twice a month—to other parts of Europe, but that travel to Britain is difficult and that obtaining a visa involves going to Amman.

The hon. Gentleman discussed the issue of Christians in the region. As a practising Methodist and chair of the all-party Methodist group, I focused in depth on the position of Christians in the Kurdistan region, as many have fled from the rest of Iraq. I had detailed discussions with the Bishop of Erbil and Mr. Sarkis Aghajan Mamendu, a former deputy Prime Minister who has led the efforts to protect and promote the interests of Christians in the Kurdistan region. Both men told us that the Kurdistan regional government takes an active role in not only ensuring the rights of Christians but offering a safe haven to Christians fleeing persecution from other regions of Iraq. I commend the region for its generosity in welcoming Christians and protecting their position.

Bob Spink: I have been to the region on a number of occasions and seen for myself the efforts of the government to discriminate in favour of Christians in order to show their tolerance, such as digging water wells, rebuilding villages and schools and allowing churches. There are problems, but the government are making great strides and efforts to tolerate Christianity.

Meg Munn: Indeed, I would say support Christians, not just tolerate them.

I was impressed by the Parliament's interest in developing democracy. With the help of Gary Kent, who supports the all-party group, I gave two seminars to more than half the MPs from the Kurdistan Parliament. They want to develop their understanding of democracy further. One main concern in Kurdistan is the need for a census. No accurate census has been taken for the best part of 50 years. It is important for all aspects of public policy planning, but it is also crucial to fairness in the allocation of seats in the Iraqi Parliament. There is concern that the forthcoming census will not be done fairly, so technical help from Britain is requested.

Finally, on women's rights, the leaders in Kurdistan have taken a brave stance on problems common in the middle east, such as so-called honour killings and female circumcision. I acknowledge their leadership in such matters. I also met members of the women's committee of the Sulaymaniyah provincial council. They have

[Meg Munn]

made great advances in establishing the concerns of female council employees, challenging sexual harassment and creating a crèche. Their practical radicalism stands out in the middle east, where women's interests are normally way down the political agenda. I look forward to hearing my hon. Friend the Minister's response to those issues.

1.18 pm

The Minister for Europe (Chris Bryant): I congratulate the hon. Member for Croydon, Central (Mr. Pelling) wholeheartedly on securing this debate on a subject that has not been debated for many years, except as a subsidiary to other debates on Turkey, Iraq or Iran. The issue is an important one that probably needs more than half an hour to amplify.

I also pay tribute to my hon. Friend the Member for Sheffield, Heeley (Meg Munn), who knows many of the ins and outs of the issues because she used to be in the Foreign and Commonwealth Office, and was much respected when she was there. I know that she does a good job with her all-party parliamentary group, as does my right hon. Friend the Member for Cynon Valley (Ann Clwyd). Between the two of them, they have managed to establish a better parliamentary relationship than we have with many countries within the European Union. I pay tribute to them because that is of considerable benefit to the region and it informs politics in this country.

There are clear UK interests in the region. First, as has been mentioned, many UK companies are active in Iraq, Turkey and Iran and many companies would like to be more active. We would like to be able to provide more assistance. The hon. Member for Croydon, Central made a good point about the need to beef up our effort in terms of UK Trade and Investment and our presence. We do not want all the business to be hoovered up by the Germans or French.

Secondly, there is a clear UK interest because we want peace and stability in the region. The contribution many young men and women in our armed forces made in Iraq was important to this country's stability and security. We want to ensure that we do not have to go back to Iraq. Ensuring that there is stability and long-term economic prosperity in the Kurdish region of Iraq is therefore vital.

I will go through the countries that have large Kurdish communities. The hon. Gentleman referred to Turkey. He is right that we want to see Turkey as a member of the European Union. We think that that would be good for the UK. It would be good to have a secular, Muslim country in the European Union and we do not believe that Europe should be a Christian club, as some people have called it. Incidentally, that forgets the history of countries such as Spain, where Moorish influence is significant in thought, culture and architecture. We also believe that Turkey's membership of the European Union will be vital because it is probably the Asian tiger on our doorstep. It is also a country that helps to guarantee our security against terrorism and international criminality, and our energy security. It is therefore vital.

We do not want Turkey to join the European Union at any cost. It will not be able to do so unless it complies fully with the acquis communautaire. There is a great deal of work it still has to do on human rights and a range of elements of its legal system to ensure that the Turkey that joins the European Union can be a proper member of it. A line from a song in "Guys and Dolls" says:

> "Marry the man today and change his ways tomorrow."

That cannot be done with a country that is applying to join the European Union. We must be sure that the changes have been introduced before it joins.

The Kurdish issue in Turkey is one of the key issues that must be resolved effectively before Turkey can accede to the Union. There are other issues such as Cyprus, but the Kurdish issue is key. We were concerned when, on 11 December, the Turkish constitutional court closed the DTP, the Kurdish nationalist party. That is why we supported strongly the European Union statement that expressed concern. Things have moved on since then. Ahmet Turk said that the 19 DTP MPs will return to Parliament as BDP—Peace and Democracy party—members. We welcome Interior Minister Atalay's remarks about moving towards greater democracy and resolving the issues.

We support the tackling of the terrorist threat posed by the PKK. However, it must be possible to distinguish between nationalism that depends on the use of violence and terrorism and believes in violent overthrow, and the legitimate political aspirations of individuals who want to see a different political outlook. I am visiting Istanbul this weekend and will have meetings with my opposite number, Mr. Bagis. I look forward to having discussions with him on these issues and about Turkey's eventual accession to the European Union, which I am hopeful about.

The hon. Member for Croydon, Central and my hon. Friend the Member for Sheffield, Heeley rightly raised Iran. The human rights situation in Iran is horrific, not only for Kurds, but for many other people. Not only are we wholeheartedly opposed to the use of the death penalty, but the judicial process that leads to its use in Iran is completely flawed. The death penalty is still used for minors, despite Iran being signed up to international obligations that prohibit its use for under-18s. That shows that even though Iran has signed up, it is not complying, and that it has a casual disregard for human rights. We have raised that point on at least 20 occasions, specifically in relation to the situation faced by Kurds in Iran.

On Iraq, the Kurdistan regional government is established in the constitution. Last March saw the successful visit of Massoud Barzani to this and other EU countries. My hon. Friend the Member for Sheffield, Heeley and my right hon. Friend the Member for Cynon Valley have had regular conversations with the KRG. There has been significant progress on a great number of issues.

One issue on which there is progress to be made is female genital mutilation. The German non-governmental organisation WADI—Association for Crisis Assistance and Development Co-operation—reckons between 75 and 85 per cent. of women are subjected to female genital mutilation. We take that seriously and want to address the problem which was mentioned by my hon. Friend the Member for Sheffield, Heeley. The KRG has said that it wants to hold a conference soon on that issue and we are keen that that should happen swiftly. We stand ready to assist in making it happen. There are deeply entrenched cultural views that must be addressed; it is a long-term issue that obviously cannot be changed overnight.

My hon. Friend the Member for Sheffield, Heeley raised the issue of visas. People in the Kurdistan region of Iraq undoubtedly face significant difficulty in doing business and travelling. I am certain that that harms the ability of people in the UK to do business. As I am sure she will acknowledge, there are significant security issues over whether we will provide a full visa service in Iraq. We are looking at whether we can bring about changes, but I cannot announce anything now.

The hon. Member for Croydon, Central raised the issue of elections and whether we will be monitoring them closely. He was right. We are of course delighted that there have been successful rounds of elections in Iraq. Many people thought that that would never happen. Indeed, some people in the UK thought it was inappropriate for us to try to bring about a democratic Iraq. I disagree with those people. It has been a pleasure to see that the effort of British troops in Iraq has secured what have generally been reckoned to be decent rounds of elections, although they have not by any means been perfect.

The hon. Gentleman is right that we must ensure that the conditions of elections are improved. We will monitor that closely through our embassy and consular staff in Baghdad, Erbil and Basra. We want to report back on that. I am sure that the all-party parliamentary group will take a keen interest, as will the hon. Gentleman, my hon. Friend the Member for Sheffield, Heeley and my right hon. Friend the Member for Cynon Valley.

Abdullah Ocalan's imprisonment in Turkey has been raised. I was not sure whether the hon. Member for Croydon, Central was calling for him to be released. That is a matter for the Turkish authorities. However, the state of Turkish prisons and the access available for international visitors are of international concern. Although in general the conditions in Turkish prisons are far from ideal, they have improved somewhat in recent years. We want to see further improvements, and I will raise that with my counterpart when I am in Istanbul this weekend.

Local Radio

1.30 pm

Mr. Alistair Carmichael (Orkney and Shetland) (LD): May I say at the outset how pleased I am to have obtained the opportunity to initiate this debate and how pleased I am to see that the Minister is here to reply to it?

My motivation in seeking the debate is a series of concerns that have been put to me by a number of local radio operators, particularly by the Shetland Islands Broadcasting Company, which operates in Shetland. In the Northern Isles, we have the benefit of two very effective commercial local radio stations and two BBC radio stations—Super Station Orkney, BBC Radio Orkney and BBC Radio Shetland are the other three. I mention that because for communities with a strong sense of identity, the existence and operation of local radio stations is, as is the case in many communities, an important part of our local ethos and identity. We should be careful before we make changes that may in some way operate to the disadvantage of those stations. Recently, there has been a trend for a diminution in the scope available to local newspapers, and it would be unfortunate if local radio stations were to go the same way.

I want to talk about the future of local radio in the broadest sense, but I will be talking mostly about the switchover to digital radio. As we are also discussing the future of local radio, I should say that if local radio is to have a future, government at all levels will have to be a bit more careful about how they use it. When I was preparing for the debate, SIBC brought to my attention the decision of the Scottish Government to let the radio advertising for their Christmas drink-drive programme through the big boys. As a consequence, SIBC—a very small, genuinely local, independent service, which is the only commercial service that would carry the adverts in Shetland—was excluded from such coverage. That sort of sloppy thinking in government will have to change if local radio is to have a future.

Mr. Lee Scott (Ilford, North) (Con): Does the hon. Gentleman agree that a number of these small independent radio stations, such a Time FM in my own area, serve a niche market that is perhaps not served by their bigger neighbours—some of the BBC stations—and that they will need financial help to try to accommodate the new technology?

Mr. Carmichael: Yes, I do think that—although I do not necessarily agree with the point about financial help, which is a different matter altogether. The hon. Gentleman is right to mention the nature of local radio stations. I should point out that several hon. Members are present for this debate in Westminster Hall today, which reflects the fact that the subject excites a wide-range of interest. Had I realised how wide the interest was when I applied for the debate, I would have probably applied for a 90 rather than a 30-minute debate.

Malcolm Bruce (Gordon) (LD) *rose—*

Mr. Oliver Letwin (West Dorset) (Con): Will the hon. Gentleman give way?

Mr. Carmichael: In a moment. I will accommodate as many of my hon. Friends—indeed, hon. Members from all parties—as I possibly can. The number of briefings that have come my way have borne testimony to the wide range of interest there is in the issue. I realise that the matter is still very much a work in progress for the Government, but the nature and range of the briefings that I have received suggest that there is still a lot of work to be done.

If hon. Members will indulge me for a moment, a briefing I have not read is the one that came my way from Ofcom. I had a quick flick through it and reached the back page, which, for the benefit of the record, has a map of most of the United Kingdom on it—in fact, the map includes the Isle of Man, which is not even part of the United Kingdom. The only parts of the United Kingdom that the map does not include are the islands of Orkney and Shetland. I have a suspicion that somebody at Ofcom might pick up the *Hansard* report of this debate and read it, so may I just place on the record that if Ofcom wants me to read its briefing, it will have to show my constituency on its maps? If Ofcom cannot be bothered to do that, I will not be bothered to read its briefing.

Malcolm Bruce: My hon. Friend has initiated an important debate. Local radio stations have grown up and spread quite rapidly. If digitalisation leads to the closure of those stations, it would be a retrograde step. Would it also be true to say that the BBC has not done all that it could have in relation to local radio in areas such as north-east Scotland? That area has the same population as Cornwall, which gets a 24/7 service, but it gets five and 10-minute opt-outs, which is a long way short of what the BBC should be providing.

Mr. Carmichael: Indeed. I was a constituent of my right hon. Friend for long enough to know the truth of that. Certainly, the BBC is very patchy across the country. We are well served in the Northern Isles for the population that we have, but as he says, the situation in north-east Scotland is very different.

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): May I establish one thing? Does the hon. Gentleman oppose the provisions in the Digital Economy Bill or is he in favour of them? If he opposes the Bill, a possible consequence of that is that radio stations such as West Sound in my constituency will fail.

Mr. Carmichael: No, I am not saying that. The purpose of today's debate is to start the discussion and ask a wide range of questions that have not been properly ventilated. If I may say so, hitherto this has been something of an anorak's debate, but as the White Paper "Digital Britain" comes forward, it is clear that there will be a wider interest in the matter. I have a lot of questions. I have said already that the matter is a work in progress for the Government, but clearly they have not got all the answers right yet.

Mr. Letwin: My question flows from everything that the hon. Gentleman has said. Does he agree that one of the prime requirements is not just that Ofcom includes his constituency on the map, but that we see greater regulatory flexibility, for example in relation to the ability of local newspapers to enter the local radio market?

Mr. Carmichael: That takes the debate to a level beyond that which I had intended to discuss today. If the right hon. Gentleman will forgive me, I will not go down that line. If I am to deal with interventions and get beyond the fact that Ofcom has not included my constituency on its map, I will have to be a bit distant in dealing with the subject.

Bob Spink (Castle Point) (Ind): Will the hon. Gentleman give way?

Mr. Carmichael: I must make a little bit of progress first. I certainly do not pretend to be an expert on these matters, but over the past few months, a number of concerns about the Government's plans for local radio, as set out in the Digital Economy Bill, have been raised with me. Given the importance of local and community stations to the surrounding communities that they serve, I want to raise those issues.

I should also place on the record my acknowledgement of the efforts of the hon. Member for Selby (Mr. Grogan) in relation to his early-day motion 436, of which I am also a signatory. The main area of concern I want to raise is that the Government's push into digital switchover is in danger of creating what appears to be an unlevel playing field for local stations. That is a consequence of how the market in this area operates and is a recognition of the fact that although we talk very loosely about local radio, there are at least two national companies—Bauer and Global—that are providing local radio in different areas of the country. That is having its own impact on the market.

First, I want to raise with the Minister the issue of the 2015 switchover date. The concern raised with me is that that could leave more than 120 local commercial stations and 200 community radio stations with an uncertain future in analogue. Effectively, the switchover will have created a two-tier radio industry. The "Digital Britain" White Paper proposed that such radio stations should form part of an ultra-local tier of radio. I understand that the decision to leave those stations on FM is driven by the limitations of the UK's current digital radio network, which apparently lacks sufficient capacity for every station in the area.

Among the concerns raised with me is that it is too expensive for local radio stations to go digital in that way. I hope the Minister will agree that it would be most unsatisfactory if local operators were forced out of business because of rising costs. I know from my own constituency experience that that is a very real danger—I am thinking of those costs associated with going digital. It is important for regions to keep a variety of local operators that often have valuable local knowledge and serve specific communities. I hope that the Minister will agree with me that it is essential that one digital platform is not advantaged at the expense of all other alternatives.

I would also be interested to hear the Minister's comments on the concerns that, should radio go digital as planned, those stations left on FM will find it increasingly difficult to retain listeners, and as a consequence advertisers, due to their absence from DAB-only radios and their unavailability on alphabetised digital station lists. A combination of reduced listening and lack of digital functionality could make those stations less attractive to advertisers. It is, of course, extremely important that FM does not become irrelevant to radio, especially considering that there is unlikely ever to be a DAB multiplex in the entirety of my constituency, and indeed in many other parts of the UK.

One proposed solution, on which I would like there to be greater debate, is DAB-plus. That has been proposed to allow all radio to go digital and is being implemented in other countries around the world. The representations that have been made to me have indicated that there are two problems with DAB: first, that it has a gatekeeper, meaning that one cannot operate one's own transmitter; and secondly, that it is on double the frequency of the FM band so that, as a consequence, relays are needed for the same coverage, which will be particularly problematic in hilly areas, such as Shetland. If Ofcom had shown Shetland on the map and shown any of its topography, readers could see that we have a fair number of hills there.

As a parliamentarian who represents thousands of constituents living in hilly areas, I would like some assurance from the Minister that people in such areas will not be forgotten. I hope that he will understand my concern at the comments made to me that current proposals will not provide a digital migration path for stations serving remote rural areas. I am told that AM/FM enjoys near-universal coverage of 99 per cent., but that DAB is significantly below that. I am aware that the Government have required that the DAB outreach should cover 90 per cent. of the whole population before the upgrade timetable will begin, but my suspicion is that when it comes to looking at where the remaining 10 per cent. will be, the communities of Orkney and Shetland will both feature in the list.

Mr. Edward Davey (Kingston and Surbiton) (LD): I totally agree with what my hon. Friend has been saying, as will those who run my local radio station, Radio Jackie, which is very popular. They also suggested that the Government must make it absolutely clear that FM will not be switched off, that there should be a public information campaign so that the public can be reassured that it will not be switched off, and that the licensing regime should be more sensible, including much longer licences, so that those local radio stations that might have to remain on FM while the digital roll-out is sorted out have viable businesses.

Mr. Carmichael: I am alarmed to admit, such is the level of detail I have acquired in the past seven days, that I am familiar with Radio Jackie, having received a briefing from those who run it. My hon. Friend's points are, for the most part, sound. As he illustrates, what we are discussing is very much a work in progress. Until, and unless, the concerns that he has outlined can be addressed satisfactorily, we should not rush head-first towards a switchover date for which there is no obviously compelling factor, technological or otherwise, other than that it was felt that that would be the only way to get things moving.

Several of the briefings I have received in the past few days mentioned the possibility of being able to upgrade to DAB-plus in future. Is that something the Government are looking at and, if so, why not upgrade to DAB-plus from the beginning, rather than trying to bolt it on a later stage? Where is the Government's thinking in relation to DAB-plus.

I would also be interested to hear the Minister's comments on the fact that three quarters of all radio listening is still to traditional FM/AM radio. I understand that there are 120 million analogue radios in the UK, compared with 10 million DAB sets. The average purchase price, I am told, of a DAB set is £85. The Minister said in departmental questions last July that the Government were

> "working with industry to come up with sets that are consistently priced at £20 or less."—[*Official Report*, 20 July 2009; Vol. 496, c. 563.]

We still seem to be some way from that, so I would be interested to know what progress the Government are making.

I find the question of in-car listening compelling, as I generally listen to the radio while driving around. In-car listening is currently estimated to account for about 20 per cent. of all radio listening, yet DAB is currently in fewer than 1 per cent. of all UK cars. That figure is expected to rise to just 10 per cent. by 2015. I understand that the Government have recommended that all new car radios sold in the UK by the end of 2013 should be digital, but that is just two years before the proposed switchover date. What impact will that have on the 2015 switchover date?

It was recently suggested to me that DAB is 12 times less energy efficient in its usage than FM/AM. Have the Government considered that, and what are they doing to ensure that the energy efficiency of the switchover costs will be taken properly into account?

The hon. Member for Central Ayrshire (Mr. Donohoe) asked me about the Digital Economy Bill, and I say to him genuinely that I do not oppose it. There is much in that Bill that is very positive, particularly clauses 34 and 35, and it seems to have brought with it a whole range of opportunities for local radio. It has been widely and warmly received by the industry. However, it is also fair to say that a tremendous amount of detailed work still needs to be done. I hope that the debate will allow the Minister to at least start to explain how the Government are addressing some of that important detail to ensure that switchover will operate effectively for all parts of the country.

1.47 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Siôn Simon): I congratulate the hon. Member for Orkney and Shetland (Mr. Carmichael) on securing the debate and on his contribution—he said he was not an expert, but I thought that his remarks were well informed and insightful. I do not have much time to reply, so I will try to speak succinctly and will take interventions from Members who have not yet intervened.

Local radio is, without question, important to the Government and to communities, playing an important role in binding together the social fabric. We take it very seriously.

Dan Rogerson (North Cornwall) (LD): On the point about the importance the Government place on local radio, it seems that local radio stations, and certainly those in my constituency, Pirate FM and Atlantic FM, do not necessarily feel that they have had the opportunity to get their points across at an early stage. That is why

[Dan Rogerson]

they are now contacting local Members to look at some of the issues when the Digital Economy Bill is debated on the Floor of the House. What sort of consultations are taking place with local radio stations?

Mr. Simon: The hon. Gentleman is quite right; there is undoubtedly some concern in the industry. There has been a bit of a campaign, led by UTV. I recently met at RadioCentre representatives of many local commercial local radio stations from across the country, and some of them will have been those he mentioned from his constituency. There was extensive consultation when the Bill was drafted, so we do take it seriously. During my remarks I hope to allay some of the fears, which may have emerged through misunderstanding.

Bob Spink: There are genuine fears that the Bill will lead to a two-tier system, so would the Minister address a couple of those fears? Will clause 34 genuinely lead to deregulation for smaller local radio? Will digital be affordable for smaller local radio, and how can we achieve that? Will smaller local radio get more access to higher-quality FM while it is still around?

Mr. Simon: I am pretty confident that I shall address all those points in my brief remarks. Let me make some progress before I take any more questions.

Digital switchover provides new opportunities and increases functionality. It is an essential part of securing the long-term future. The total revenue of the commercial sector has fallen from £750 million in 2000 to £560 million now. At the same time, transmission costs have gone up, with stations now bearing the cost of carriage on FM, DAB, online and digital TV. A market facing such rising costs and falling revenue is unsustainable and puts the health of the entire sector under threat.

Although the path to digital may not be easy, we are convinced that it is the only route for securing the long-term future of radio, and that is a view shared by the vast majority of the sector, notwithstanding some of the reservations raised by hon. Members. Therefore, rather than a catalyst for decline, the changes set out in the Digital Economy Bill are essential to secure the survival of local radio.

For the first time, we will have three distinct tiers. First, there will be a tier of national services, both commercial and BBC, with a wide range of content. It will allow the commercial sector to compete more effectively with the BBC, employ high-profile presenters and attract high value national advertising and sponsorship.

Secondly, a regional or large local tier, again comprising commercial and BBC services, will provide a wide range of programmes, including regional news, traffic and travel. The tier will increase the coverage size and potential revenue of many large local stations, which in turn will increase the opportunity for linked advertising between regions so that regional commercial operators can benefit from quasi-national advertising.

The hon. Member for Orkney and Shetland mentioned the issue of advertising being badly commissioned by the Scottish Government, which I understand. None the less, the benefits of linked advertising for regional radio can be very great if commissioned sensitively.

Most important in the context of today's debate, there will be a tier of local and community radio stations with the specific focus of informing and reflecting the communities they serve. They will be distinct from the national and regional tiers because of the very local nature of their content and they will benefit from less competition for local advertising funding.

Mr. Letwin: People in my constituency and elsewhere who depend on radios will not be able to get local radio if it is purely digitised.

Mr. Simon: Local radio will not be purely digitised. That tier will stay on FM for the foreseeable future, but it will not be an FM ghetto; it will be an accessible FM, as I shall explain.

Mr. Donohoe: Given the time constraints, will the Minister agree to meet Members who are interested in the subject?

Mr. Simon: Yes, I am happy to meet Members who are interested. I have another meeting scheduled with local radio operators from all over the country, which will be under the same auspices as my recent meeting with them.

I am not sure whether I have enough time to continue. I do, so let me be clear: we see a digital future for all radio eventually. However, with more than 50 BBC services, nearly 350 commercial stations, 200 licensed community stations, the current infrastructure will not support a move to digital for everybody. For small commercial and community stations, the coverage area and the cost of carriage of a digital multiplex are too great. That is one reason why, for the time being, we believe that those stations are best served by continuing to broadcast on FM.

Malcolm Bruce *rose—*

Mr. Simon: I am nearly coming to my point, but I give way to the right hon. Gentleman.

Malcolm Bruce: Some of the small stations have already invested in being on digital. Are they not in danger of being kicked off to FM having made that investment, and would that be a fair outcome?

Mr. Simon: No, small stations are not in such danger. Stations that are already on digital are not in danger of being kicked off digital, but they are suffering the extra cost of running on two platforms. That is one of the reasons why we need an orderly, managed and reasonably speedy transition to an affordable single platform for as many people as can afford to be on it.

The idea of stations on more than one platform is not new, which moves us to a key point that has not been widely understood—it is really important. Listeners have for decades moved between FM and medium wave, and historically also to long wave. The current generation of DAB sets has tended to make that move a rather sharp distinction, which has led to the fear that FM will end up being a second-class ghetto tier. To avoid that, we are committed to ensuring the implementation of a combined station guide, which is similar to an electronic programme guide, that will allow listeners to access all stations by name, irrespective of the platform. Future sets will simply have a list of station names. The listener will not distinguish between FM and digital stations, but will simply select the station by name. We are already working with the industry on that system and encouraging its development and introduction as quickly as possible. That is a crucial difference that has not been widely promulgated or understood. It means that people can stay on FM and the new sets can service the same market.

Only 5 per cent. of the digital radio receivers currently on sale cannot receive FM. It is our intention that all digital receivers should be able to receive FM as well as complying with the World DMB profile, which will ensure that they can support other technologies to accommodate future changes. That crucial distinction has not been widely understood. When I explained it to people in the industry, it made a big difference.

The hon. Member for Orkney and Shetland asked whether we could upgrade to DAB-plus from the beginning. I understand why he says that, but we are not right at the beginning. There are 10 million DAB sets out there for which people have laid out large amounts of money. The BBC completed a study into the issue last year, and concluded that, on balance, it was not worth writing off that technology because of the impact on the 10 million people who had bought DAB sets. We have said that all new technology should be DAB-plus and future compatible so that further change is future-proofed and DAB-plus is not excluded.

As for the switchover date of 2015, the hon. Gentleman asked whether it was the only way we would get things moving. The Government believe that 2015 is an achievable date. The actual date that switchover happens will depend on the criteria for listenership and coverage being satisfied. We think it can be done by 2015, and that it is important to set a challenging target.

The issue of £20 sets was raised. There are already some £30 sets. We have five years to go until 2015, so we remain confident that we will have £20 sets by then.

Miss Anne Begg (Aberdeen, South) (Lab): I am interested to hear what my hon. Friend says about the 2015 date. Can I take it from what he said this morning that 2015 is an aspiration to encourage the industry to move towards digital—to put their house in order and get things ready? However, if the coverage is not there in places such as the constituencies of the hon. Member for Orkney and Shetland (Mr. Carmichael) and the right hon. Member for Gordon (Malcolm Bruce) where there are a lot of hills, will the Government will look at the date again? That date is not already fixed.

Mr. Simon: As I said, we believe it is an achievable date. If more than 50 per cent. of listeners are not on digital by then, and if coverage is not similar to FM—98.5 per cent.—it will not happen on that date. If for any other unforeseen reason, we are not, as a nation, in good shape to do it by then, we will not do it. We will not switch over at an inappropriate time, but we believe that it can and should be done in 2015.

As time ticks on, let me say that a relatively small and cheap piece of hardware will be available to convert in-car sets to something that works in the future as well as the present.

2 pm

Sitting adjourned without Question put (Standing Order No. 10(11)).

Westminster Hall

Wednesday 13 January 2010

[CHRISTOPHER FRASER *in the Chair*]

China

Motion made and Question proposed, That the sitting be now adjourned.—*[Helen Jones.]*

9.30 am

Tony Baldry (Banbury) (Con): Somewhere in my scrapbook is a photo of my hon. Friend the Member for Mid-Norfolk (Mr. Simpson), who is responding to this debate on behalf of the Official Opposition, me and a number of other members of the great and good, including Andrew Neil, outside NATO headquarters in the early 1970s on a student study tour. My hair was somewhat longer and my hon. Friend's moustache was somewhat fuller, but otherwise we are fully recognisable. That demonstrates that we, and indeed all hon. Members in this Chamber, grew up in a world of two superpowers—the United States and the Soviet Union—although throughout the cold war the United States economy was far more advanced than and twice as large as that of the Soviet Union.

The collapse of the Soviet Union in 1991 greatly enhanced the pre-eminent position of the United States and, by implication, the west. Terms such as unipolarity and phrases like "the end of history" sought to describe what appeared to be a unique situation. Those of us living in the United Kingdom and Europe, whose nation states had been the pre-eminent powers from the start of the industrial revolution until the mid-20th century, accepted as a given the west's ability to shape global history. Well, all of us are now going to have to adapt to a new reality, as are our children and succeeding generations. We are witnessing a significant change, which, although it is still in its early days, will transform the world: the rise of China.

Global Insight, a US economics consultancy, expects China to overtake the United States as the world's largest manufacturer by 2020. An article demonstrating that in the *Financial Times* in May 2007 was entitled, "US to lose role as world's top manufacturer by 2020." Goldman Sachs estimates that by 2025 the United States and China will have similar-sized economies, but by 2050 China will be the largest economy, followed some way behind by America and India. Incidentally, only two European countries are predicted to be in the top 10 by 2050: this country and Germany, in ninth and 10th positions respectively.

China is a country where gross domestic product grew 30 per cent. from 2004 to 2006, investment since 2000 has tripled and exports have quadrupled. China has getting on for a quarter of the world's population. Last week it was announced that China has overtaken the US to become the biggest car market in the world—more than 13.5 million vehicles were sold in China last year—and, interestingly, for four out of every five Chinese customers that car is the first they have driven.

Mr. Nigel Evans (Ribble Valley) (Con): My hon. Friend is painting a full picture of what China is today. Of course, it was not always so. At times China was clearly a closed society, and British businesses did not trade there as they do now. Will he pay tribute to the British businessmen who, with entrepreneurial wit and wisdom—some in the 48 Group and those known as the icebreakers—went into China and started trading with it in the early days when it was not fashionable to do so?

Tony Baldry: Those in the 48 Group are much to be commended, as are those in the China-Britain Business Council, who continue to work hard to promote trade between the UK and China.

This week it was announced that China is now the world's largest exporter, with an economy on track to grow by 9.5 per cent. in 2010. If our economy were likely to grow anything like that we would all collectively be singing the hallelujah chorus. But China's growth is in large part a testament to the fusing of foreign capital and Chinese hard work in that country.

During the next four decades the world will become a different place. The future will be different from the past and anything other than a policy of fully engaging and seeking the best possible mutual understanding with China is simply not an option. A part of the challenge for all of us in the UK will involve visualising a world that will look different in 10, 20 or 30 years, particularly our relationship with China. Western dependency on Chinese products will grow, especially as we need to keep interest rates down.

An element of the challenge of our relationship with China is that, as a country, China is somewhat sui generis, as one of our colleagues, George Walden, observed in his book, "China: A Wolf in the World?" I quote from certain books, Mr. Fraser, because I do not want to give the impression that the only person in the Conservative party who reads books is my hon. Friend the Member for Mid-Norfolk. I want it to be understood that some of the rest of us read books as well. *[Interruption.]* I should say to the Minister that that is an in-joke.

The Minister for Europe (Chris Bryant): Not a very good one.

Christopher Fraser (in the Chair): Order.

Tony Baldry: In his excellent book, "China: A Wolf in the World?", George Walden, who was a young diplomat in Beijing for many years, wrote:

> "Which other country with a billion plus population—a five thousand year old civilisation who from its own perspective has always seen itself as the centre of the world—which has been catapulted from extreme left-wing totalitarianism to a headlong rush to consumerism and the outward signs of capitalism in just three decades—whilst at the same time maintaining a Communist political structure".

That quote demonstrates that China is a unique country. Understanding China will be one of the great challenges of the 21st century.

China sees itself as a civilisation state of understandable antiquity. We all see ourselves from our own perspective. Emperor Qianlong's comments to George III's petition are probably almost as relevant today:

> "I have perused your memorial. The earnest terms in which it is couched reveal a respectful humility on your part, which is highly

[Tony Baldry]

> praiseworthy…My capital is the hub and centre about which all quarters of the globe revolve…I do not forget the lonely remoteness of your island, cut off from the world by intervening wastes of sea…Our dynasty, swaying the myriad races of the globe, extends the same benevolence towards all."

I suspect that quite a number in Beijing, in slightly different terms, still perceive us slightly in that way today.

As Martin Jacques observes in his recent book, "When China Rules the World", China

> "still has almost the same borders that it acquired at the maximum extent of the Qing empire in the late eighteenth century. The state remains as pivotal in society and as sacrosanct as it was in imperial times. Confucius, its great architect, is in the process of experiencing a revival and his precepts still, in important measure, inform the way China thinks and behaves."

He went on to say, perhaps more contentiously:

> "The legitimacy of the Chinese state, profound and deeply rooted, does not depend on an electoral mandate; indeed, even if universal suffrage was to be introduced, the taproots of the state's legitimacy would still lie in the country's millennial foundations. The Chinese state remains a highly competent institution, probably superior to any other state-tradition in the world and likely to exercise a powerful influence on the rest of the world in the future."

My concern, and the reason why I sought this debate, is that during the end of last year and the start of this year three things happened, which, in different ways, show that China and this country need to make much greater efforts to understand each other. None of us wants a situation in which we kowtow to China's increasing economic influence, and China will not listen if we give the impression of hectoring. Engagement must be on the basis of mutual respect, and we should endeavour to understand each other.

In the case of the Copenhagen conference on climate change, the bottom line was that China did not want a bottom line. As one Danish official observed, "China doesn't do numbers". China was not even willing for developed countries to set out their own CO_2 reduction targets. One can understand that China—the largest CO_2 emitter in the world—still sees itself as a developing nation, and would be wary of any target that might be set. However, one is inclined to ask: where were the sherpas? Why had China not communicated its misgivings much earlier, and how was it that others, such as ourselves and our colleagues in the United States, had not picked up on those concerns? Why was it left until the last two days of the conference?

I was not at Copenhagen—I do not think that any hon. Members present were—but Mark Lynas, a writer for *The Guardian*, was attached to one of the delegations. In an article written immediately after the events, when matters were fresh in his mind, he observed:

> "The truth is this: China wrecked the talks, intentionally humiliated Barack Obama, and insisted on an awful 'deal' so western leaders would walk away carrying the blame. How do I know this? Because I was in the room and saw it happen. China's strategy was simple: block the open negotiations for two weeks, and then ensure that the closed-door deal made it look as if the west had failed the world's poor once again. And sure enough, the aid agencies, civil society movements and environmental groups all took the bait… All very predictable, but the complete opposite of the truth…China gutted the deal behind the scenes, and then left its proxies to savage it in public…it was China's representative who insisted that industrialised country targets, previously agreed as an 80 per cent. cut by 2050, be taken out of the deal."

The suggestion is that the whole Copenhagen conference and the accord were effectively undermined and sabotaged by Chinese mendacity—that is how Lynas puts it.

I believe that it is unlikely that China deliberately intended to ruin the Copenhagen conference, or that it wanted to be accused of systematically wrecking the accord. It is interesting that almost immediately after the conference, a senior member of the Chinese negotiating team at Copenhagen was shifted. The media have been speculating that that was punishment for the debacle of the climate change talks. He Yafei, who was at the forefront of the negotiations, was removed as Vice-Foreign Minister, and it is suggested that he was removed for failing to ensure smooth relations between China, the US and Europe.

In advance of what was clearly a major world conference, why did China and the rest of the world not have better established negotiating positions and work out where the red lines were going to be? There was the bizarre situation of Barack Obama having to burst into the room on practically the last day of the conference, find a seat, and help to guide the negotiations to the Copenhagen accord. I hope that the UK, those in the embassy in Beijing and representatives of the European Union mission, are talking to their counterparts in Beijing to seek to better understand whether China meant to wreck the talks, or whether there was a tragic failure of understanding. If China did mean to wreck the talks, that is a serious matter. China takes on the rotating presidency of the UN Security Council this month, and it cannot afford misunderstandings any more than we can.

Mr. Evans: I attended the Copenhagen conference for one of the days, although I was not privy to that particular meeting. Like my hon. Friend, I would be amazed if China had gone wilfully to try to sabotage the talks. Does my hon. Friend agree that in the past, Hu Jintao has said supportive things about wanting to tackle climate change, and that we must work closely with other countries to ensure that China has nothing to fear from coming to an agreement about what action needs to be taken? Vast tracts of China are developing but are impoverished. China must have no fear of working with the west, so that we can reach an agreement that will not prevent the developing parts of China from progressing into the 21st century.

Tony Baldry: My hon. Friend uses an extremely good phrase—we must convince China that it has nothing to fear. It must have nothing to fear from being part of the international community, from moving towards more democratic processes or from opening up society. Today, we have the bizarre situation that Google is threatening to pull out of China altogether. However, it is difficult to see how the world's largest exporter, and a country whose economy is growing exponentially, will manage if internet providers start shutting down services. There could be a collision between the concerns of the Chinese Communist party and Government, who on the one hand want to maintain party control, but on the other hand want economic expansion. We must help China to recognise that it has nothing to fear.

Something else that happened while the House was in recess was the conviction of Liu Xiaobo for supposedly subverting state power. His trial lasted just two hours, and resulted in an 11-year sentence of imprisonment for doing no more than seeking to promote democracy. He simply said that China should have a more democratic system—something that many people have said.

Zhao Ziyang was the general secretary of the Chinese Communist party at the time of the Tiananmen square massacre. As hon. Members will recall, he intervened with the students and tried to get the demonstration called off. For his pains, he was sacked as general secretary, and spent the rest of his life under house arrest. He managed to record his memoirs on a children's tape recorder, and after he died, what was in effect his autobiography was discovered and published.

Zhao Ziyang quotes his predecessor, Hu Yaobang, general secretary until 1987, who stated:

> "In the history of mankind, in the struggle of the newly emerged bourgeoisie and the working class against feudal dictatorship, the formation of the ideas of democracy, freedom, equality, and fraternity greatly liberated the human spirit. The most important lessons learned during the development of socialism were: first, neglecting development of the economy, and second, failing to build real democratic politics."

Therefore, two successive general secretaries of the Chinese Communist party recognised that it will be difficult to build China without having some regard to enhancing democracy. It is tragic that someone who did no more than promote Charter 08, which calls for a constitution guaranteeing human rights, should be serving 11 years of imprisonment.

That is not an isolated case. Last July, the Chinese Government suddenly detained the famous lawyer Dr. Xu Zhiyong, who is an activist renowned for his work on behalf of China's most disadvantaged, and for his commitment to advancing the rule of law in China. He is not an extremist; he is a mainstream lawyer. He had a clear record of support for incremental reform in his litigation, which was aimed at the enforcement of guarantees already enumerated in the Chinese constitution, and he had won a seat on his local people's congress in a district of Beijing. However, he was detained on what clearly, as I think everyone recognised, were somewhat trumped-up charges in respect of "suspicion of evading taxes".

Last year's Amnesty International report on China makes dismal reading. It states:

> "Individuals who peacefully exercised their rights to freedom of expression, assembly and association remained at high risk of harassment, house arrest, arbitrary detention, and torture and other ill-treatment. Family members of human rights activists, including children, were increasingly targeted by the authorities, including being subjected to long-term house arrest and harassment by security forces. Lawyers who took on sensitive cases were also at risk; several had their licences suspended, and others lost their jobs. Some lawyers were specifically warned by the authorities not to take on sensitive cases".

The reality is that the conviction and extremely harsh sentencing of Liu Xiaobo mark a further severe restriction on the scope of freedom of expression in China. It is a system that still massively restricts freedom of opinion and is very suspicious of anyone who organises, but just as we must seek to understand China and the Chinese position, so too must they understand that, for us, human rights are universal. That is the whole point about the universal declaration of human rights. If we as individuals and parliamentarians in this country regularly raise issues about human rights, it is not because we wish to be antagonistic or hostile or to appear hectoring, but because we believe that we have an innate duty as world citizens to seek to defend human rights irrespective of borders.

Lastly, there was the case of Akmal Shaikh, which resulted in the Prime Minister saying that he was "appalled" and a spokesperson for the Chinese Government retorting:

> "We urge the British side to mend its errors and avoid damaging China-British relations."

I cannot recall when the Prime Minister and Ministers were exhorted by an official spokesperson of the Chinese Government to "mend their errors". That is going back almost to the days of the cultural revolution.

Clearly, the case of Akmal Shaikh was very sad. It is difficult to know whether Akmal Shaikh was so mentally ill as to be unfit to plead, but it was very sad that the Chinese authorities did not feel able to spend sufficient time making those inquiries. It is fair to say that the House is now collectively opposed to the death penalty anywhere in the world.

There seems to have been a breakdown of communication between us and the Chinese Government. There must have been, because the fact that the Prime Minister used a word such as "appalled" about the action of the Chinese Government and that the Chinese Government responded with a phrase such as "mend our errors" suggests that there had clearly been an expectation on the part of our embassy in Beijing and the Government and the Foreign Office that pleas of mitigation on behalf of Akmal Shaikh would succeed. On the part of the Chinese Government, there was clearly frustration that they were being misunderstood and it looked as though we were trying to interfere publicly in their administration of justice. The point I am making is that we both need to make far better attempts to understand each other and what we are really saying to each other, so that we do not end up with a public spat of that kind. It was hardly a good way to end one decade of Anglo-Chinese relationships and start another.

Of course, there is an enormous amount for us to celebrate with China. As my hon. Friend the Member for Ribble Valley (Mr. Evans) said, we increasingly see trade expanding between the UK and China, which is very good news. This year, we shall have the Shanghai expo. I understand that the UK national day at the Shanghai expo is 8 September 2010—that is 8.9.10, which must be extremely good feng shui. We are about to start the year of the tiger. We are delighted to see ever increasing numbers of Chinese students coming to the United Kingdom, which is testament to China's belief in education and the belief that students will receive a good education in the United Kingdom. That is also to be celebrated. Considerable numbers of Chinese tourists come to the UK. Indeed, the largest single destination for Chinese tourists in the UK is Bicester Village in my constituency—I exhort any officials in the Foreign Office who have not yet been to Bicester Village to ensure that the Minister visits it.

Mr. Evans: I met a group of young people from China who came to the House when visiting the United Kingdom. They met representatives of the British Youth Council, of which I am an honorary president. Does

[Mr. Evans]

my hon. Friend believe that the bonds can be cemented most effectively by young people from China visiting the United Kingdom and vice versa? When the young people I referred to were talking together in the Jubilee Room, not far from this Chamber, one could tell that the interests of the young people from both countries were very much in common.

Tony Baldry: Of course. That is absolutely right. My daughter was fortunate enough to learn Mandarin at school and spent a large part of her gap year in Beijing, which substantially enhanced her insight into China and the younger generation of Chinese citizens. Young people from the two countries communicate at a perfectly good level, and that is all good strengthening stuff.

We must all accept that in the 21st century we live in a world where China is becoming an increasingly powerful nation. It is a civilisation state. It is increasingly powerful economically and in terms of global politics. It therefore behoves both the Chinese and ourselves to understand much better what the other is saying. It is not for us to tell China what form of democracy—what form of government—it should have. I hope that China would see that it is in its own interest to have the greatest possible access to information and that censorship is eventually self-defeating. I hope that China will come to realise sooner rather than later that bearing down on individuals' human rights is also self-defeating because ultimately, as we have seen in the Soviet bloc and elsewhere, the human spirit will eventually overcome such restrictions.

However, it behoves us to make every effort better to understand China's position and it behoves China to seek to understand our position. That is also important in ensuring that the Foreign Office and the Treasury recognise that the Foreign Office must have the resources necessary to ensure that the embassy in Beijing and consulates elsewhere can have the resource to communicate with their opposite numbers, and that we have information and decent informed discussion with the Chinese. Otherwise, we shall have future tragedies of failed international conferences such as Copenhagen, and the world—the future of civilisation—simply cannot afford other failed Copenhagens.

9.59 am

Derek Wyatt (Sittingbourne and Sheppey) (Lab): I congratulate the hon. Member for Banbury (Tony Baldry) on introducing what is yet another debate about China. It always grieves me that these debates have to be in Westminster Hall. Yesterday we had a debate about the Goldstone report—a really critical debate about Palestine. Where was it? It was in Westminster Hall. There were so many hon. Members here that not everyone could be called to speak. I ask that the Government sometimes rethink their priorities on foreign affairs.

Let me make a couple of points in response to the hon. Gentleman's speech, much of which I agree with. He did not say much about the World Bank or the International Monetary Fund, but we need to move faster on China's membership of both bodies. After all, Belgium and Luxembourg have more votes than China on both, and we know their GDP is much bigger than China's—*[Laughter.]* If we do not move faster, the time will come when America and the rest of the world want the dollars that are in Beijing and Shanghai, but China will say, "Do you know what? We don't like your banking systems. We don't like your IMF and World Bank. We'll set up our own system." We should not think that they will not do that.

One of the big issues that we misunderstand is that the Chinese—much like Israel—do not need the western world as much as the western world thinks that it needs them. If the Foreign Office misunderstands that, the consequences will be very serious. One way in which we could be more proactive is by saying that although it might have been right in 1945 for the World Bank, the IMF and the United Nations to be in Washington and New York, it is not right today. One thing that we could do is move one of those organisations to China. If China is to be the world's leading economic power by 2020, it is incumbent on us to help it with its political understanding of the world, and moving an international organisation there will move Chinese diplomacy on light years.

I make that point in the light of discussions about Google last night and this morning. When Google went into China, it agreed to censorship rules that went against America's first amendment, which is a completely back-to-front philosophy for Google's owners to adopt, given where they come from, their background and the fact that the company's chief executive is a Republican. In any case, Baidu, the Chinese search engine, is much bigger in China than Google, so perhaps this is not about the number of attacks on Google. After all, Google is the greatest technology company in the world and should be able to handle such attacks, which happen to every company. I think that there are between 5,000 and 10,000 a day—I would love to see the figures—but that, in a sense, is an aside.

On Akmal Shaikh, the real issue was that the trial lasted for just half a day. In relation to China's human rights and the style of its legal system, we are asking the Chinese whether such trials, which create tension between countries, could be open not only to the Chinese public, but to non-Chinese, so that we can see that justice is done. That is the crux of the issue in such cases.

I turn now to my own thoughts about China. I place on record my thanks to the Industry and Parliament Trust, which took me to Shanghai in 2008. In September last year, I also went on an amazing visit to Beijing with the all-party group on China. We made the 25-hour train journey to Tibet, where I learned a good deal more about Tibet. Those who have not understood what is going on in China should consider the fact that Russia and Canada, where the temperature can be minus 20° C, have had trains for considerably longer than China has. However, although the temperature on the railway that we used is sometimes minus 35° C—it goes up to 15,000 feet—the service has not missed a single day, while the services in Canada and Russia both have. In other words, the technology in China is the finest in the world, and we misunderstand how fast things are progressing.

To give another example, more university papers were published in China in the past year than in the whole British university system. If we use such figures for university research to judge universities, China is already ahead of us. The pace of change is substantial, but that change is not just economic; it is fundamental and it is taking place at every level.

In addition to those two visits, I have been to Hong Kong, where I was brought up as a child. Although I am not writing my autobiography, I am working on a major work called "The Foreign Office: A Disaster Abroad in the Twentieth Century". Everywhere I have looked, the Foreign Office has been pretty disastrous. We got the middle east, Africa and India wrong, and if we are not careful we will get China wrong, too. That is partly because the Foreign Office is independent inside Whitehall. If we are to change in the 21st century and hang on to the title of "Great Britain", the Foreign Office will have to grow up and come into the system that exists in this country.

I say that because I have spent a huge part of my life abroad and visited many places. I was a member of the African National Congress. I care enormously about how Britain is perceived abroad. In that respect, I have spoken to our new ambassador in Beijing. As I said in Shanghai, the quality of our people under ambassadorship in China—I will not say that I am deeply distressed about it, because that is the wrong word—needs a fundamental rethink. How can it be right that we have fewer people in the largest country in the world than we do in America? We need to reshape our thinking; we need more consulates in China than in Europe and America. We have said that many times before in this place, but nothing actually changes.

In that respect, the issue of Copenhagen is interesting. The hon. Member for Banbury asked why we had not picked up the feelers and realised how China felt about Copenhagen. Why did we not do that? Is our regime in Beijing big enough? Is it intelligent enough? Did we not meet the Americans and other Europeans in Beijing to discuss China? Did we never have a discussion in Beijing, with our opposition, about Copenhagen? Where were we? Why was the issue allowed to fester? What has changed? We have not had that debate here. We have not asked how China went to Copenhagen without our having used all the soft diplomacy skills that we are supposed to have. Perhaps the Minister can enlighten us on what happened.

On Tibet, I have written to the Speaker, and I have not yet had an answer, although my letter was sent in October. We fundamentally changed our policy on Tibet, as a result not of a debate or a vote in the House, but of a statement. That is not how a democratic Government go about changing policy: if we want to change policy, we have a debate so that those who do not feel comfortable have a chance to put their feelings on the record. In future, I hope that we will not change policy on any part of foreign affairs as a result of just a statement. I say that irrespective of which party forms the next Government.

We have talked about the economic power that China will enjoy by 2020. I have also said that we are pretty under-represented in our foreign embassies and consulates in China. Now, however, I want to come to the issue that is really gnawing at me following my trip to Tibet. On her first official visit after she was nominated, Hillary Clinton said that she and America were downgrading—she did not quite put it like that, but the meaning was clear—America's resolve on human rights in China. That approach is wrong, but it has washed over the rest of the western world. People are thinking, "Okay. If that's America's attitude because they need the trade, maybe we'll follow suit." That is a very dangerous way to go. As the hon. Gentleman said, we are talking about universal rights, and we should stand up for them. He mentioned Russia, but I could also point out how Poland changed because of one person. These things happen, and we need think only of Solzhenitsyn and his books in Russia. The individual matters, and universal rights are just that—universal.

The issue that concerns me most, however, is Tibet. Lords Steel and Alton have put forward some rather clever ideas about how to cope with Lhasa and the Dalai Lama. If the Dalai Lama dies before the issues of Lhasa and Tibet are resolved, he will die a hero, which will cause even more problems for the Chinese. Italy reached a solution on a similar issue when the Catholic Church was given independence within the state. Lord Alton has proposed that the small part of Lhasa where the two main temples are situated should be the equivalent of the Vatican for the Buddhist faith. I ask the Government to start making representations about resolving the issue, which will fester if we do not resolve it.

We had discussions in Beijing, and I should mention the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Bury, South (Mr. Lewis), who he is not here today, although he is absent for good reason. In the Northern Ireland context the Americans always talked to both sides; in the Sri Lankan Tamil context Archbishop Tutu was talking in Dubai; in the Palestinian and Israeli context the Norwegians were talking for nine months, without anyone knowing. There are ways of coming to resolutions. I ask the Minister to ponder whether President Clinton and former Prime Minister Blair could not be asked to go to Beijing to talk through the matter, given the middle east and Northern Ireland peace talks in which they were involved. When I raised that in Beijing, the official view of the Chinese Communist party officials was that it would be a sign of weakness to involve a third party in their problem. I said that it was a sign of maturity in a growing power if it asked an outsider for help. After all, those meetings are held in deep confidence. I said it would be seen as a strength. I think that we are between two positions: China says Tibet is theirs, and we say it is theirs, but that it belongs to the rest of the world too.

The hon. Member for Banbury mentioned Expo 2010. In some ways, hard diplomacy failed in the last part of the 20th century. We need only look at Iraq and Afghanistan to see that. Even if we were to win in Afghanistan, which seems highly unlikely, what have we left, and how much damage has been done in the region? In the same way, America went into Vietnam. Macmillan's advice was by all means to go in, but to remember that we had the same situation in the Sudan; it cost us £1 million a week and in 1920 we gave it back. He saw that that was exactly what would happen in Vietnam. What will happen in Afghanistan? Exactly the same. We will have spent millions of pounds protecting something that, in the end, will go back to what it was. That is the history of Afghanistan.

My point is that in the 21st century hard diplomacy should be secondary to soft diplomacy. What we have not understood about Joseph Nye's work—and I am pleased that the British Council has invited him here next Wednesday for a major lecture; after all, he wrote "Soft Power" in 1994—is that we have astonishingly good soft power people working for us. They are perhaps the best in the world: BBC radio and television overseas, the British Council and the Open university. The British

[Derek Wyatt]

Museum is advising museum staff in Beijing. It is in Shanghai and has a major exhibition there and a major part of our Expo exhibition. The British Council is everywhere. However, we ask both those bodies to do more and more for less and less. We have not produced—but I should love the Foreign Office to publish it—a strategy for soft power in the world. We should build on the three British bodies that I have mentioned, which are outstanding in the world—and we have many others—to create the best diplomacy, which is soft diplomacy.

I want to conclude with a few words about the Chinese Ambassador Madam Fu Ying, who is leaving shortly. I have got to know her incredibly well. She is by some way the best ambassador that China has had in the 12 years I have been in Parliament. I have even taken her to Twickenham; show me a Chinese woman who will say "Yes, I'll come to Twickenham"—but then she went to watch rugby union in Australia, too, when she was there. She understands not just hard power but soft power, and has been outstanding, even if we have had our differences on Tibet and human rights. We shall miss her, and we wish her well. Other hon. Members want to speak, but I want to give the message to the Foreign Office to rethink its overall strategy on China.

10.13 am

Mrs. Madeleine Moon (Bridgend) (Lab): It behoves me too to thank the hon. Member for Banbury (Tony Baldry) for securing the debate, which comes at a crucial time. I am humbled to follow my hon. Friend the Member for Sittingbourne and Sheppey (Derek Wyatt), who always speaks with such authority and wisdom. He showed us the point we have reached—when we need to think and to re-examine our relationship with China. It is imperative that we recognise that China has made a strategic shift in the world, and that we must make that shift too.

The hon. Member for Banbury said several times that the Chinese must understand that they have nothing to fear. I would say it is we who must understand and it is we who have things to fear, if we do not recognise the shift in relationships across the world because of the new China, and its position in and view of the world. It is time for us to stop talking to China from the point of view of a parent-child relationship, and to move to an adult to adult relationship, in which rather than telling the Chinese things, we listen actively. I have all too often seen us go into meetings with the Chinese saying we are there to converse, when really we are there to tell.

Mr. Evans: One clear example of the change that has taken place is China's influence in Africa, which we ignore at our peril. Its influence in countries where it has invested a lot of money, and where it is trading and taking many of the raw resources that it needs to help its economy grow, will clearly have effects in the world in the short and long terms.

Mrs. Moon: The hon. Gentleman is right. There has been a further arrogance in our thinking. We have assumed that we could allow China to move into Africa and that we could watch and almost tolerate its frequent pillaging of natural resources there, particularly its destruction of rain forests and removal of trees, but that China would eventually begin to see the error of its ways and would think and operate according to the tenets of the west. That is not going to happen. It is time we recognised that and saw the need to form a new relationship and dialogue with China.

There was an excellent article in *The Guardian* yesterday by Simon Tisdall, and I urge hon. Members who have not read it to do so, because he sets out how relationships with China are turning chilly. There is a huge risk that we shall expect China to work on the same basis of compromise and consensus on which the west has for so long operated, and that we shall fail to see that China does not recognise the need to work on that basis. My hon. Friend the Member for Sittingbourne and Sheppey talked about Madam Fu Ying, and I endorse every word he said about how she epitomises China's use of soft power. It is virtually impossible to pick a fight with her. She has charm and is calm, amusing and witty, but has a core of absolute strength and an unbiddable determination to have her own way. The velvet glove masks a solid, hard power. The fact is that she will listen, nod and smile, but she will not move. That is what we need to understand. We need to develop a new relationship with China.

There is a saying that "You never want a serious crisis to go to waste". We have had a crisis with Copenhagen; and we have had a crisis with the cancellation of the UK-China human rights dialogue. Let us use those crises, recognising that it is time for us to make a strategic shift from the global dominance of the west. We must find new ways of accommodating the world that is emerging.

Societies are inherently linked to their past, and China is no different. Imperial China depended upon a vastly powerful and infallible centre, as communist China still does. In neither system have human rights, constitutional checks and balances or any form of democracy figured prominently.

China sees the execution of Akmal Shaikh as part of its way of operating. It does not see the need to move into a world of negotiation on human rights matters. There are times when we have to talk differently with China about the place it wants in the world. Part of the problem is that we in Europe are used to consensus. To become a member state of the European Union, there is a set of rules that have to be complied with; those standards have to be met to be a member of the EU. To become a leading power in the United Nations, however, countries do not have to fit in with any rules. They can become leading members, powerful members, of the UN and still ignore human rights. They can ignore consensus. They can go their own way.

We are moving into a new world, which has a new level of sophistication in dialogue. I believe that the Foreign Office can deal with that, but it is time to step up and time to grow. China is understandably very confident about its recent success, but we need to understand how China works. Its leaders are effective technocrats; they are managers, they are pragmatic. They are deliberately uncharismatic compared to some of their predecessors. China has grown fast, and its leaders have been thrust on to the world stage.

Foreign policy did not previously register high on the Chinese Government's agenda, which was to move its economic development forward. Its global mission was to improve its economic position in the world. It has succeeded, and can now afford to grow its internal markets and put less emphasis on its world markets. China therefore has less need to consider how it is viewed by the west. Economically, it is extremely powerful. It holds the world's financial system in its hands. We need to engage with that new China.

I have found a keenness to improve bilateral understanding between the two countries. The UK-China leadership forum of which I have been privileged to be part for the past few years, held its third meeting at Ditchley park in September last year. The forum brings together political figures and policy makers from both sides to explore an understanding of our respective positions on the key issues of the day. That form of dialogue is immensely valuable, and I hope it will continue and flourish. I hope that those from the top of both Governments will find a new way of talking and communicating to increase understanding on both sides. It is no longer a case of explaining the west to China. China has to take the proactive step of explaining its views to the west and how it sees the relationship with the west.

China is realistic about Copenhagen. It has the greatest problem in the world on climate change. The pace of desertification in China has doubled over the past 20 years; 25 per cent. of the land area is already desert, and air pollution is prematurely killing 400,000 people a year. The country is not unaware of the dangers and risks of climate change.

I said that China's foreign policy is driven by its need for economic development. It is also driven by an appetite for oil. We need to work with China and talk with China about a path for greater resource efficiency and a low-carbon future. We need to support that with shared science and technology, finding new ways of solving the problem together.

Questions have been asked about why we did not understand what China's position would be at Copenhagen. I suggest that it was the usual problem—that we were telling China. We were not listening; we were not being responsive or aware of what it was saying. The balance in the world has changed. It has moved from the G8 to the G20. We need to be aware that China has an increasing level of support in the G20, and that the balance is moving.

China has joined the World Trade Organisation and is a judicious member of the United Nations Security Council, but we need to be aware too of the Shanghai co-operation agreement and its impact on China's relationships with many other countries. That relationship is one in which countries do not interfere in each other's affairs, do not set standards for behaviour and do not demand human rights. However, they offer mutual support, defence and trade. I do not suggest that it is a route that we in the west should follow, but we need to understand the implications for relationships around the world, especially for countries that have joined the Shanghai co-operation agreement.

It has been said that we need to consider our future in Afghanistan. It is something on which we have the opportunity for a new dialogue with China. Instability in China is seen as a high risk, and Afghanistan and Pakistan could create huge problems for it. So far, China has on the whole sat back and ignored that risk. It is time to engage with China, telling it that it has responsibilities and listening to the response in order to try a new kind of dialogue.

China is softening its borders with the spread of its own people—to Russia and Mongolia, and to central Asia, Burma and Laos. I believe that its mantra of non-intervention will gradually soften, but we need to be in dialogue with China to ensure that it happens. We must consult China on international issues, especially in relation to Iran, Darfur, Kosovo, Burma, the middle east and Africa. Let us have a new dialogue.

As the hon. Member for Banbury said, many Chinese students come to this country every year and there is a huge opportunity to develop a mutual understanding. It is a way of forming a new relationship. Let us move forward into that new relationship and take the opportunities to forge closer links with China on a new transnational agenda, which covers issues such as energy, the environment, climate change and overseas investment, in a way that respects Chinese interests. Let us find a new, safer world in which we have nothing to fear because we have found a way of talking and understanding.

10.30 am

Jo Swinson (East Dunbartonshire) (LD): I congratulate the hon. Member for Banbury (Tony Baldry) on securing the debate. Three months ago, we had a debate in this Chamber on the implications for UK policy of relations between China and the west, which was called by the hon. Member for Cities of London and Westminster (Mr. Field). During the debate, we touched on economic and trade issues, security, human rights and Tibet. Rather than going back over those issues, I will try to focus on developments since then. As China is a rising superpower, it is important that we return to the subject of China with some regularity because much has happened over the past three months.

As was mentioned by the hon. Member for Sittingbourne and Sheppey (Derek Wyatt), we have had the positive news that Google will no longer be censoring its search results in China. Indeed, the lack of media freedom was an issue that we discussed during that last debate. The news from Google is very welcome to those of us who have been incredibly uncomfortable with Google's capitulation to China's demand for restriction of the media and control of what can be viewed on the internet. Such behaviour is in total opposition to the freedom of information that we have come to associate with the internet and, in some ways, to the very principles and mantras that a company such as Google stands for, particularly with its slogan, "Don't be evil". It will be interesting to see how China responds to Google's move, whether Google will be able to continue to operate in China and how the Chinese public, who are used to using Google, will react. We will follow developments on that front very carefully.

However, it has not all been such good news. The three issues on which I should like to focus are the tragic execution of Akmal Shaikh, the Copenhagen conference and the deterioration of the situation in Sudan.

Tragically, on 29 December, Akmal Shaikh was executed. The death penalty itself is abhorrent, as we discussed in a recent debate in this Chamber. The lack of due process and the mental health problems of Akmal Shaikh made his a particularly difficult case.

[Jo Swinson]

The secrecy of the Chinese judicial system was also very evident. The Foreign and Commonwealth Office was not told that the death penalty had been handed down until months after the sentence was passed. Clive Stafford Smith from Reprieve said:

> "Despite having flown to China to be with him, Shaikh's family were not told of his death until he was already apparently buried in the frozen soil of Urumqi. Nobody told the family how or where he would be killed. No family member or independent observer was allowed to witness his death, view his body or verify his burial. We have only the word of a press release that he was even killed."

We can only imagine what it is like to be in the shoes of the family in such a situation. As I said, the death penalty in itself is abhorrent enough quite apart from the lack of the proper process and dignity that should go alongside any judicial decision. I understand that Akmal's family have written to the Foreign Secretary to ask for an inquest into his death to be held in the UK, which could provide much needed closure to the grieving family, and I hope that the Government will honour the request.

I understand that both the Prime Minister and the Foreign Secretary made representations to the Chinese calling for clemency. My hon. Friend the Member for Orkney and Shetland (Mr. Carmichael), who followed the case closely, exchanged correspondence with the Government on it and concluded that the Government did everything they could for Akmal Shaikh. Given that they were not successful, will the Minister tell us whether he thinks that a different strategy could have yielded a different outcome so that we can avoid further tragedies?

Turning to Copenhagen, I, like other hon. Members, read the article by Mark Lynas and was shocked by the representations that were given. The image of our Prime Minister, President Obama and Ban Ki-moon sitting in a room while a second-ranking Chinese official ran in and out with the political negotiation equivalent of, "Computer says no" just seems a ridiculous way to conduct negotiations on one of the biggest threats that the world faces.

Two years ago, the Environmental Audit Committee visited China as part of an investigation into the international response to climate change. I was impressed on that visit by how seriously the Chinese were taking the issue, particularly with regard to carbon intensity reduction—if not absolute carbon reduction itself. Their technological advances seemed to be far ahead of the game; the hon. Member for Sittingbourne and Sheppey called them impressive. Therefore, the Chinese recognise the severe threat posed by climate change, and with a huge number of their population still living in poverty, reliant on melt water from the Himalayas and facing the risk of desertification and other such challenges, one would have expected a different response from them in the international negotiations. Will the Minister tell us what strategy the Government will adopt to bring China back on track? Obviously, securing a transition to a low-carbon world is one of the FCO's key priorities.

Presumably, an investigation is under way into how the problems at Copenhagen could have been averted. Other hon. Members have already asked how it was that we did not recognise the extent of the difficulties that China would pose. I appreciate that such an investigation is not just for the UK, because many other countries around the world had a huge stake in ensuring success as well. None the less, we have to ask the questions and find the answers if we are to move forward and reach a meaningful global deal.

On 5 January, the Climate Change Secretary told the House:

> "The conference was held up by disagreements over procedure…Those disputes about process meant that it was not until 3 am on Friday, the last day of a two-week conference, that substantive negotiations began on what became the Copenhagen accord."—[*Official Report*, 5 January 2010; Vol. 503, c. 43.]

I wonder whether the procedural issues should have been resolved in the weeks before the conference. However, it is not clear whether there were actually procedural issues, or whether countries that did not want an agreement put forward the procedural issues as a blocking move. If there truly were procedural issues, they should have been resolved before the conference began.

My hon. Friend the Member for North Southwark and Bermondsey (Simon Hughes) has said that just as the UN Security Council sits in permanent session, so, too, should a UN climate council. The Climate Change Secretary has said that such an option should be considered, so I am interested to know whether the FCO will take that suggestion to the UN. It would be interesting to know what strategy the FCO is adopting, given that we are hoping for a global climate deal from the Bonn conference in June.

I know from conversations with FCO officials in posts in various countries that climate change is not just a departmental priority written on a piece of paper, but something to which individuals have a great deal of personal commitment. That is a huge asset that we must use. Moreover, we must assess where our policy is not working, particularly in respect of the Copenhagen conference.

Let me briefly touch on Sudan, particularly in relation to the report that was released last week, "Rescuing the Peace in Southern Sudan", by a coalition of non-governmental organisations. The report described the continuing violence in southern Sudan, with 2,500 people killed in 2009 and 350,000 fleeing their homes. National elections are to be held in April and a referendum in 2011.

Christopher Fraser (in the Chair): Order. May I remind the hon. Lady that the subject of the debate is UK relations with China, and we have limited time for the two further speakers?

Jo Swinson: I am coming to the point that is relevant to this debate but I thank you, Mr. Fraser, for that advice.

Basically, I wanted to ask the Minister for his assessment of the attention the Chinese Government are paying to the situation in southern Sudan, given that China has such important trade relations with that area and that China's involvement is crucial to finding a global resolution to what is going on there, which could end up becoming a very dangerous situation.

I appreciate the opportunity created by the hon. Member for Banbury in securing this debate, which has allowed us to raise a set of issues relating to China, and I look forward to hearing the Minister's response.

10.40 am

Mr. Keith Simpson (Mid-Norfolk) (Con): It is a pleasure, Mr. Fraser, to be under your chairmanship today. I too congratulate my hon. Friend the Member for Banbury (Tony Baldry) on introducing this very timely debate.

As was said by the hon. Member for East Dunbartonshire (Jo Swinson), who speaks for the Liberal Democrats, we were debating a similar subject in Westminster Hall on 13 October 2009—the implications for UK policy of relations between China and the west. That debate had a somewhat broader remit and it was, of course, introduced by my hon. Friend the Member for Cities of London and Westminster (Mr. Field). In passing, I want to say to the hon. Member for Sittingbourne and Sheppey (Derek Wyatt), who I do not think was able to attend the debate in October, that quite a bit of it was about the economic and business aspects of the relationship between China and the west.

I do not intend to reprise what I said or to comment on things that were said by others during that debate. As far as this debate is concerned, the crucial point relates to the three specific issues that my hon. Friend the Member for Banbury flagged up and which were important at the end of 2009 and the start of 2010. The first issue was why the Copenhagen climate change discussions failed and who was to blame, if I can put it crudely. The second issue was the conviction and persecution of a number of dissidents in China; that is a continuing issue, but it appears that there have been two or three high-profile cases recently. The third issue, which a number of hon. Members have already commented on, was the execution of Akmal Shaikh.

The crucial point is whether those issues represent a blip in our relations with China. The Foreign Office called in Ambassador Fu Ying for an interview without mao-tai to express our displeasure at what had happened to Akmal Shaikh. There was then an incredibly critical verbal reply from the Chinese. Is that a blip or is there a longer trend?

Having listened to the comments of a number of hon. Members, my personal view is that we have ended up having a rather simplistic debate. The idea that China has never been interested in foreign policy was mentioned. Foreign policy has always been subsumed into domestic policy, but the Chinese have an incredible interest in foreign policy, which has grown not only because of their need to protect their strategic homeland but because of their ability to have access to economic resources.

There was also the idea that, somehow or other, the Chinese have only just become involved in Africa. As most hon. Members know, the Chinese were becoming involved in Africa from the late 1950s and early 1960s.

It seems to me that the key issue in how the UK relates to China is the fact that China has a world view, which is based, as senior Chinese officials keep saying in all the conversations that I have had with them, upon achieving harmony; that is harmony from a Chinese point of view. Consequently, as far as China is concerned there is a raft of issues, most of which relate to Chinese internal affairs, that are not to be discussed. They are certainly not to be discussed in public, and the fact is that individuals or countries that raise them in public, even if they are raised in a moderate way, are likely to produce the grave displeasure of the Chinese Government.

Furthermore, China has gained access to resources in the world, which they believe is perfectly legitimate. The Chinese would turn to us and say, "Well, after all"—I am using shorthand—"you westerners pillaged the resources of the world from about the 16th century onwards. All we are doing is offering good trade relations with many developing countries, but we do not attach any form of moral politics to that. We are not interested in relating that to human rights in one form or another".

I want to turn the debate around. It is not just a question of the United Kingdom being—quite rightly—sensitive to Chinese culture and history, and of our trade and business relationships with China. The hon. Member for Sittingbourne and Sheppey is absolutely right; the balance of power has changed in the world. Once again, I do not think there is anybody who does not accept that. The balance of power in the world has changed not only because of the growth and power of China but because of the growth and power of many other countries, including India and Brazil. That complicates matters not just for us but for the Chinese, who I believe are driven by fears of instability. Those fears drive China more than anything else.

As I was saying, it is not just a question of our being sensitive. The Chinese will have to recognise that they must take into account the policies and opinions of many other countries. It will be increasingly difficult for them to operate in a world at a very narrow economic level without realising that if they are to achieve membership of the World Bank and participate in many other things—they are already finding it difficult enough in the United Nations—they will have to take a position on certain things. They will have to be involved in the give and take of politics.

What are we to do about that? First, we should continue to say, very politely, to China that there are certain issues that we regard as important, not only as parliamentarians but as a British Government and Opposition, and that we will continue to raise those issues with the Chinese, not confrontationally but in a way that reflects our values and is not an insult to China.

Secondly, we must recognise that there are actually many areas where China and the United Kingdom have mutual interests. We are an entrepreneurial nation, keen on developing technology and education. Those links are very strong indeed. There are even areas in terms of security where China is co-operating with Britain and the west. Recently, the Chinese navy has been co-operating on anti-piracy patrols in the Indian ocean. That is all to be welcomed.

However, when we talk about the relations between the UK and China, we should not constantly place the emphasis on always trying to consider things from the Chinese perspective. It is equally important that we are very clear what UK national interests are and we should spell those interests out, forcefully but not rudely, to the Chinese.

Actually, I think the Chinese Government realise that. Their formidable ambassador, Madam Fu Ying, also realises it. I emphasise all the things that have been said about her; she has gone out of her way to improve British-Chinese relations, although I would put in a caveat—however good an ambassador is, they have

[Mr. Keith Simpson]

riding instructions from their Foreign Office and we should recognise that. Ambassadors are not independent actors.

I welcome the debate. As I said, the real question is whether the issues raised by my hon. Friend the Member for Banbury are a blip or represent a trend. What is the perspective of Foreign Office officials and of the Minister? Although, like many colleagues, I have in the past been critical of the Foreign Office and its officials at times, I do not think those officials are as inadequate, or that the Foreign Office is as poor, as the hon. Member for Sittingbourne and Sheppey may have been suggesting in some of his comments.

10.48 am

The Minister for Europe (Chris Bryant): I take that last comment by the hon. Member for Mid-Norfolk (Mr. Simpson) as a ringing endorsement, not of me personally, obviously, but of the Foreign Office.

It is a delight to serve under your chairmanship, Mr. Fraser. Whenever the general election is, it is a shame that you will not still be gracing these corridors afterwards.

This debate is very timely and I congratulate the hon. Member for Banbury (Tony Baldry) on securing it. He gave us a tantalising mental image of himself and the hon. Member for Mid-Norfolk in the 1970s with longer hair. However, I just wonder what their foreign policy was at that time, for example on Pinochet's Chile and particularly on South Africa and apartheid. However, that is obviously not a matter for today's debate.

Mr. Simpson: What was your policy on the Soviet Union?

Chris Bryant: It has been an entirely sensible one all my life.

The hon. Member for Banbury said that he too reads books. I see that some additional books have been brought in for him during the debate. That is a great delight, as I thought that I might have to recite to him some words from Pope—

"A little learning is a dangerous thing;
Drink deep, or taste not the Pierian spring:
There shallow draughts intoxicate the brain"—

but obviously he has plenty to keep him reading.

On serious matters, I will say three general things before I come to Members' specific questions. One statistic that exemplifies the issue for all of us is that in 2005, the UK's GDP and China's were roughly equal, at $2.24 trillion for China and $2.25 trillion for the UK. It is almost certain that the final figure for China in 2009 will be double the UK's. With regard to economic might, we must be absolutely clear-sighted about the issue before us. It is compounded by the fact that China, unlike Japan, is a permanent member of the Security Council, so its role in international affairs is significant.

One thing that has struck me forcibly in this debate is that many people have referred to China's growing power and the possibility of a bipolar world in which the United States of America and China are the two world powers. To me, that points clearly not just to the role of the G20 and so on but to our role within the European Union. One frustration for the Chinese is that they end up doing different deals with 27 countries within the EU and that Europe cannot manage to get its act together effectively in its relations with China. We can be much more effective on many issues by having a shared foreign policy within the European Union in relation to China.

The hon. Member for Mid-Norfolk said that it is sometimes difficult to say things in public because it offends Chinese sensibilities. I am sure that he was not suggesting that we therefore should not say them.

Mr. Simpson: No.

Chris Bryant: I understand that. However, it is often easier for us to say things jointly, as the whole European Union. That has far more effect without affecting bilateral relations directly. In relation to some of the issues that we have discussed today, the fact that the EU has been able to engage concretely as a whole, making representations on our behalf as well as on that of other member states, [illegible]ated some potential problems with bilateral rela[illegible]ships.

The creation of a much more rationalised External Action Service within the European Union and its presence in China will be vital to UK interests in the years to come. We must ensure that good British diplomats are deployed in the External Action Service in China, and we must ensure that the EAS is effective. Given how Cathy Ashton presented her case to the European Parliament on Monday, I am sure that she is focused on that.

We need to address crucial international affairs issues, such as Iran's growing nuclear ambitions, and China will be key to that. Several hon. Members referred to trade issues. One area in which we need to move forward significantly is achieving market economy status within the European Union for China. That can happen only when China is prepared to make effective concessions on some of its anti-competitive practices.

The hon. Member for Banbury started by referring to Copenhagen. Several hon. Members, including my hon. Friend the Member for Sittingbourne and Sheppey (Derek Wyatt), suggested that there might have been a complete failure on the British part and that we somehow did not know what the Chinese were thinking. We certainly did. On many occasions last year, Ministers here expressed our profound concern about the direction in which China was moving in relation to climate change. Many of us tried to put the argument to China that the threat to it from climate change is significant in terms of internal migration and migration from low-lying areas around the world, and that it is in China's interest to get it right.

The hon. Member for Mid-Norfolk said that ambassadors sometimes do not have much wriggle room; that is also true of Chinese delegations. Perhaps if there had been more wriggle room in Copenhagen, we would have got closer to a better and stronger set of agreements. I know that many more vulnerable nations were upset that the equity argument about climate change—namely, that the poorest people in the world will be most dramatically affected by it, whether in Bangladesh or on islands in the Pacific that are likely to disappear under the ocean—did not carry as much weight with

China as it perhaps should have done, especially in light of the argument that China wants a harmonious world according to its own understanding.

We look forward to Mexico and hope that we will be able to secure a better agreement. I am convinced that the Chinese position will move; I am sure that the equity argument will carry more weight. It was good that China moved substantially last year from the position that it held at the beginning of the year to the position that it adopted in Copenhagen. It was a significant change. China now accepts the need for measurement and verification.

Several hon. Members asked whether we have the right architecture for such discussions. That is almost certainly not the case; the difficulty is whether we should first address the architecture arguments or the substance. That is one complication of all United Nations bodies. We need to find an architecture that better embraces the changing power blocs that several hon. Members have mentioned, not least Brazil, India and Mexico.

The hon. Member for Mid-Norfolk discussed the execution of Akmal Shaikh, and the hon. Member for East Dunbartonshire (Jo Swinson) referred to her hon. Friend the Member for Orkney and Shetland (Mr. Carmichael), who has done a great deal of work on the issue of the death penalty around the world. We debated the issue before Christmas—I answered for the Government. He has said, I think, that we did everything that we thought possible. The Prime Minister, the Foreign Secretary and I, as well as the embassy in Beijing, did everything that we could to ensure that our concerns about the nature of the trial, the secrecy that surrounded it and the issues relating to mental health were understood. It is worth saying that mental health is viewed very differently in China and that the amount of drugs involved was 80 times the amount that would normally lead to an execution there.

We wholeheartedly deprecate the use of the death penalty in any country. The fact that China, and Chinese public opinion, has a completely different attitude towards such matters is undoubtedly a problem for us. We understand the family's need for a proper sense of closure, and we will respond in a way that I hope can provide it; I am not yet sure precisely how we will go about it.

The hon. Member for Banbury mentioned the number of Chinese students who come to the UK. My hon. Friend the Member for Sittingbourne and Sheppey—incidentally, I should say that it is also a great sadness that he will not be here after the general election either, as he will not be standing; I have had the great pleasure of rowing and agreeing with him over the years—mentioned soft diplomacy. The number of Chinese students who come to the UK is an important part of that, which is why I would not change the student visa regime in the way suggested by the Conservative party. The more Chinese students who come to the UK, the better. In relation to soft diplomacy, the BBC World Service, the British Council and the Chevening scholarships are all important elements of how we do business around the world.

Several hon. Members raised the issue of dissidents being treated aggressively by the Chinese courts recently. We wholeheartedly deprecate and are concerned by the verdict and sentence pronounced against the prominent human rights defender Liu Xiaobo. It is the most substantial sentence given for many years—

Christopher Fraser (in the Chair): Order. We now move on to the next debate.

Insurance Industry

11 am

Mr. Tom Harris (Glasgow, South) (Lab): I am grateful for the opportunity to address the Chamber on this important issue, Mr. Fraser.

Although this debate is on the regulation of the insurance industry, my aim is not to discuss the subject in its broadest terms, but to focus on a specific issue as it affects one of my constituents. Paul McGaw's health insurer refused to provide a payout under a critical illness scheme for a medical condition covered by the policy. I hope that bringing this issue to the Government's attention will encourage them to reconsider the system of regulation of the insurance industry.

Mr. McGaw was an employee of Sopra Newell and Budge, an IT company based in Edinburgh. In June 2003, the company instituted a group critical illness scheme with AEGON UK, which was open to all employees. Mr. McGaw applied to join the scheme in June 2005 and his cover commenced on 1 July 2005. At the time of application, no comprehensive details of exclusions were made available to Mr. McGaw, nor was there a key facts summary. Applicants to the scheme were required only to complete a fairly basic tick-list questionnaire, which Mr. McGaw duly did.

Nearly two years after his policy cover started and following a number of medical tests, Mr. McGaw was diagnosed with multiple sclerosis by his general practitioner. That condition was covered by his policy. Understandably, he made a claim under the terms of the policy through his employer. The claim was examined by AEGON UK, which requested his previous medical records so that they could be looked at by its appointed medical adviser.

On 27 September 2007, Mr. McGaw was informed that his claim had been rejected on the grounds of paragraph 10.2 of the policy conditions:

> "No benefit will be payable for any Critical Illness condition occurring within two years of the Member's cover starting which, in the opinion of the medical advisor nominated by us, has resulted directly or indirectly from any condition that the member was known to be suffering from at, or prior to, the start of Cover."

AEGON UK wholly accepted that Mr. McGaw was suffering from MS, but based on his medical records, claimed that he was known to be suffering from a pre-existing condition prior to the commencement of the policy. That related to the diagnosis of an eye condition three years earlier.

In 2004, Mr. McGaw had experienced a number of problems with his vision. He had been examined by his GP and a consultant ophthalmologist. The consultant wrote to the GP confirming a diagnosis of retrobulbar neuritis and stating that Mr. McGaw's vision had returned to normal. It is important to make it clear that at no time was Mr. McGaw advised that the diagnosis suggested other more serious neurological problems. Even in his medical notes, there was no suggestion of possible or suspected MS at that time.

The insurance provider took issue with Mr. McGaw's diagnosis of retrobulbar neuritis, saying it was a possible indicator of MS. I should point out that it is not a cause of MS. Mr. McGaw's consultant has confirmed that more than half of those diagnosed with the eye condition do not go on to develop MS. Given that Mr. McGaw was not referred for any further tests in November 2004, it is difficult to argue that he was known to be suffering from a relevant condition when he joined the critical illness scheme, or that any of his medical advisers suspected that he was suffering from MS. Nevertheless, AEGON UK refused the payment on those grounds.

In April 2008, Mr. McGaw appealed the decision to refuse payment, but that was rejected. Later that month, he appealed to the financial services ombudsman who, after considerable delay, rejected the appeal. The FSO accepted that Mr. McGaw had fallen foul of the two-year rule and that the diagnosis of retrobulbar neuritis was a relevant pre-existing condition.

Mr. McGaw approached me as his Member of Parliament in April 2009. I wrote to Mr. Otto Thoresen, chief executive of AEGON UK, raising a number of concerns and asking for the case to be reconsidered. Mr. Thoresen declined to reconsider the decision and rehearsed in detail the argument about a known pre-existing condition. The letter emphasised that, under a group policy, no underwriting work is carried out before cover is granted. Had underwriting taken place in June 2005, MS would have been specifically excluded from Mr. McGaw's cover, given his known medical history. I find that incomprehensible, given that Mr. McGaw's consultant has confirmed that retrobulbar neuritis is not a cause of MS.

Having exhausted every other avenue, the only method of appeal open to Mr. McGaw is the civil court. That option is prohibitively expensive and carries no guarantee of success. There is case law in regard to a personal, rather than group, policy in which an insurer's decision to reject a similar claim was overturned. In that case, which came before Lord Eassie, a pre-existing eye problem and subsequent diagnosis of MS were again the matters under dispute. In finding for the plaintiff, Lord Eassie ruled that the insurer requested access to her medical records only to avoid payment, as it did not dispute the diagnosis.

Under a personal policy, insurers are required to allow for three types of non-disclosure: innocent non-disclosure, as in the court case I have just described, where full payment must be made; negligent non-disclosure, where partial payment is made; and deliberate non-disclosure where no payment is made. It is clear that under a personal policy, Mr. McGaw would have been entitled to at least partial payment, if not full payment. Sadly, my constituent appears to be a victim of the very different terms and conditions that pertain to group policies and personal policies.

Throughout the UK, employers offer group policies as part of their package of employee benefits and thousands of individuals take up the opportunity in good faith. They assume that they are gaining, at some considerable saving, the sort of cover and security for themselves and their families that would alternatively be obtained only by taking out a personal policy. I am less than convinced that in promoting such group policies, insurers make it sufficiently clear that the cover members will enjoy is significantly lower than the member might assume. Mr. McGaw is a reasonable and intelligent individual, but at no point did he realise that the policy would not provide him with the assumed cover until his claim was refused.

I trust that the Minister will agree that those who believe themselves to be covered by such group policies should seek further independent advice to confirm exactly what they are covered for. Having acquainted myself with Mr. McGaw's case, my concern is that thousands of employees in this country who think that they are covered for critical illness, would be put in an intolerable financial position, along with their families, if such an illness arrived. I have come to the unfortunate conclusion that AEGON UK has, through its dubious and cynical processes, severely let down my constituent in a most tragic, callous and unforgivable way.

11.8 am

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): It is a pleasure to serve under your chairmanship, Mr. Fraser. I thank my hon. Friend for securing this debate.

The regulation of the insurance industry is an extremely important issue and I listened with interest to my hon. Friend's speech. I was saddened to hear the case of his constituent, Mr. Paul McGaw, in relation to both his suffering from multiple sclerosis and his inability to claim on his critical illness policy. I am sure my hon. Friend will appreciate that I cannot comment on that individual case today, but I will provide an overview of how the insurance industry is regulated and describe recent improvements to the protection of insurance customers. I will cover critical illness insurance and group critical illness insurance in particular. I will go on to mention recent and proposed improvements to insurance industry regulation. I will focus in particular on the proposed Law Commission reforms.

There have been a number of improvements in consumer protection and regulation for insurance before and after Mr. McGaw's claim in 2007. I recognise that that knowledge will not alter his situation or offer him much comfort. However, it is important that we highlight the excellent work that has been done to improve insurance regulation in recent years.

My hon. Friend will understand that many decisions about the regulation of the insurance industry, especially in relation to consumer protection, are made by bodies specifically established to act independently of Government. The Financial Services Authority is the lead regulator for the insurance industry, and the Competition Commission and the Office of Fair Trading have important roles in ensuring that insurance markets do not function in a way that leads to consumer detriment.

The Financial Ombudsman Service acts as an independent and impartial dispute resolution service and provides a safety net for consumers with complaints against financial services firms, and I am glad that Mr. McGaw sought its opinion on his case. By their nature, financial services, including insurance, often create complex consumer issues. The FOS provides an economical and accessible resolution service to determine what is fair and reasonable on the basis of the facts of the dispute.

It is important that regulators maintain confidence in the insurance sector because the efficient transfer of risk through insurance is an important social function. It allows people to get on with their lives without having to worry about risks that they are unwilling or unable to bear. By paying out hundreds of millions of pounds per day in claims, this crucial industry provides a service to society and individuals when they are in distress.

However, as recent cases involving payment protection insurance and mortgage payment protection insurance have highlighted, poor sales and administration practices can lead to unfavourable consumer outcomes. That is why it is as important as ever that we ensure that a robust supervisory regime is maintained and improved in order to protect consumers while at the same time allowing the industry to continue to innovate and grow.

We as a Government are committed to working with the regulators and the insurance industry to continue to improve consumer outcomes. That aim was restated in last year's report of the insurance industry working group, which was co-chaired by the Chancellor and Andrew Moss, the chief executive officer of Aviva. Made up of leading industry figures, the group set out its vision for the insurance industry in 2020, stating that it wanted the UK to be the leading global centre of excellence for insurance, and recognising that better consumer outcomes were fundamental to achieving that vision.

In recent years, we have collectively delivered several significant improvements to consumer protection and wider social outcomes. The FSA, OFT and Competition Commission have worked to improve the quality and distribution of payment protection insurance products, which are known as PPI policies. The FSA agreed an end to the sale of single-premium PPI policies in May last year and imposed substantial fines for mis-selling PPIs. It is also consulting on new guidance detailing how companies should process PPI complaints, and requiring firms to reopen 185,000 PPI complaint cases.

The FOS continued to help to protect PPI consumers by offering independent arbitration. Furthermore, the Government have introduced equalities legislation that will prohibit unjustified discrimination in the provision of goods, facilities and services.

To move on to critical illness insurance products, critical illness cover provides a lump sum in the event that the policyholder suffers from a specified illness or undergoes a specified operation. In 2008, more than 50 families and individuals a day were helped at extremely difficult times in their lives by claiming on their critical illness insurance policies. The average claim was £63,000, which is more than double the average UK annual salary. Currently, some 12 million people in the UK are protected by a critical illness policy.

Critical illness policies will pay out if the policyholder suffers from one of a list of predefined illnesses rather than from any condition that could prevent an individual from working. Typically, such policies will also not cover pre-existing illnesses if symptoms had started to develop, or conditions that develop within a relatively short period of cover being taken out.

For group critical illness cover, the employer takes out a policy for the benefit of the members of the group scheme. However, the individual members are not party to the insurance policy. In group insurance, it is common for individuals to be asked relatively few underwriting questions up front and for the insurer to mitigate the risk of having less information through exclusions. That approach is taken because it is cheaper and easier to run, which means that policies can be offered at more affordable prices. It is not unique to group policies; other insurance products—for example, several individual travel insurance policies—also take that underwriting approach.

[Sarah McCarthy-Fry]

It is worth noting that individuals who find that they cannot claim on their group policy due to exclusions such as a pre-existing medical condition would most likely also have had an exclusion applied if they had attempted to take out individual cover. As a result, they would not have been able to claim even if they had bought an individual policy and fully disclosed their health status. However, we recognise that it is more likely that the customer taking out an individual policy would be aware of the exclusion at the point of purchase than the group member. Again, that highlights the need for clear, simple products, appropriate financial advice and enhanced financial capability in consumers.

The Government and the regulator have taken several steps to improve regulation and achieve better consumer outcomes from critical illness and other insurance products. In January 2008, the FSA published the "Insurance Conduct of Business Sourcebook", or ICOBS, which applies to all general insurance and protection products and sets out, among other things, how they should be sold. Under the ICOBS regime, insurers are required to explain the key features of the product, to highlight exemptions and to take reasonable steps to ensure that a customer only takes out a policy on which they would be eligible to claim benefits. The FSA's Treating Customers Fairly initiative sets a high standard for product design, for information and advice provided to customers and for the after-sale conduct of insurance companies.

However, it was identified in 2007 that too many complaints about critical illness policies were being received and upheld by the FOS, thereby indicating a common underlying problem with how critical illness claims were being treated. I am pleased to say that the industry proactively responded to the issues and acted to restore confidence in critical illness products. In January 2008, the Association of British Insurers implemented its guidance for non-disclosure, which was upgraded to a code in January 2009. This mandatory code sets out how firms should treat customers who have inadvertently or otherwise failed to disclose relevant information to the insurer.

The code states that insurers should pay out if the customer made an innocent error in not disclosing information, unless such information would have meant that insurance would not have been offered in the first place. If the pre-existing medical condition does not relate to the claim, insurers must consider a claim. Therefore, the difference in the treatment of disclosure between group policies and personal policies that was highlighted in my hon. Friend's speech, and was exemplified in the Scottish judgment to which he referred, would no longer arise. I appreciate that that will be scant comfort to his constituent.

The ABI also has a statement of best practice for critical illness cover. It aims to make the critical illness market more straightforward for consumers through the use of standard terminology and covered conditions. Both of the ABI codes relate to group as well as individual critical illness cover.

The combination of industry best practice and regulation has successfully improved the position of those who take out critical illness policies. The payout rate for critical illness has increased from 80 to 90 per cent. in three years. The number of complaints received and the proportion upheld by the FOS have also decreased as a result of the improvements.

Although significant steps forward have been made in improving customer outcomes through better, more robust insurance regulations and industry best practice, more still needs to be done. Too many consumers still do not fully understand what is and is not covered by their insurance policy. Work will continue on Government and industry programmes aimed at improving customers' financial capability to ensure that they have the skills that are required to decide what products are suitable for them.

Furthermore, despite the good work done by the FSA, the FOS and the ABI to improve standards for critical illness and insurance in general, we recognise that the law on what consumers have to disclose to insurers is based on a statute that is more than 100 years old: the Marine Insurance Act 1906. It was designed specifically for marine insurance, consumer insurance being practically unheard of at the time. Under that statute, consumers have a duty to volunteer all information that would have an effect on the mind of a prudent insurer. Thus insurers can refuse to pay out if a policyholder failed to disclose any information that the insurer, as opposed to the policyholder, deems to be relevant, even if the consumer answered honestly and reasonably all questions asked, for example, in relation to a pre-existing medical condition—no matter how innocuous.

That position has been mitigated over the years by way of ABI codes of conduct, FSA rules and FOS decisions. However, the result remains unsatisfactory, and the original 1906 statute has merely been over-layered to reduce its otherwise harsh effect. Further, the existence of the current patchwork of rules and codes makes the position confusing for consumers seeking to understand their rights and obligations. We support the Law Commission and the FOS view that in the long term such a disjoint between consumer interest and, indeed, industry best practice and the law is not sustainable. In the event of a dispute over customer disclosure, the FOS can use its powers to rule on what is fair and reasonable. However, if the case goes to court, the court will be forced to apply the 1906 Act.

Although it is commendable that, on the whole, regulatory and industry action has served to mitigate that gap, it is logical that we should consider amending the law to reflect the current consumer position and to provide even greater clarity and protection for consumers. The Law Commission and the Scottish Law Commission published a joint report and the draft Consumer Insurance Law: Pre-Contract Disclosure and Misrepresentation Bill in December 2009. That draft Bill would largely reinforce current regulatory and industry best practice by clarifying what it would be reasonable to expect customers to disclose and setting out how insurers should deal with inadvertent non-disclosure.

The Law Commission's consultation on the draft Bill received a favourable response. The ABI is supportive of the proposals and, out of 39 responses from insurers, only four argued against the reform. We fully support the aims of the Law Commission in reviewing pre-contract disclosure and misrepresentation in consumer insurance law. The Law Commission's proposals will be considered thoroughly in the round with other priorities for legislation at the appropriate time, and my officials are in regular communication with the Law Commission as it progresses that work.

We have heard that a great deal has been done in recent years to improve the regulation of the insurance industry and to ensure protection for consumers. Particular attention has been paid to critical illness policies and to ensuring that policyholders are treated fairly. I would like to assure my hon. Friend that it is also clear that consumer protection in this area is challenging. We will need to continue to work regularly with regulators and the industry to ensure that insurance products are regulated effectively.

11.22 am

Sitting suspended.

Local Newspapers

[MRS. JANET DEAN *in the Chair*]

2.30 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): It is good to have the opportunity to introduce this debate, and that so many colleagues from all parties are present to contribute. I guess the subject of local newspapers is a good way of encouraging Members to attend, as we all have good relationships, even love-hate relationships, with our local papers and therefore feel passionately about their success and survival.

Like many hon. Members, I spend a fair amount of my constituency time meeting people in the local business community, listening to what they have to say, taking up their concerns and learning from them. One such meeting was the inspiration for the debate; it was with Howard Scott, the managing director of Newsquest South and West London at his office in my constituency. Newsquest publishes the "Guardian" series of local newspapers, which are well regarded and well read in many places. At that meeting he talked me through the pressures the industry is under and highlighted the impact that taxpayer-funded council newspapers are having on the health of an independent local press. I hope that all my colleagues agree that local papers are part of the lifeblood of our democracy.

Lorely Burt (Solihull) (LD): I completely agree with my hon. Friend that local newspapers are the lifeblood of the community. Does he agree that news is something that someone does not want people to know, so by printing news the papers hold decision makers and those with power and authority to account and that without them we would be democratically and socially poorer?

Mr. Burstow: That sentiment will be echoed throughout the debate, and it is certainly one that I want to express in some detail and with examples.

Local papers can and should be challenging. Sometimes, they can even be irritating and they occasionally get their facts wrong, but none of those things outweighs the public interest local papers serve. It is not just my view that local papers are part of the lifeblood of our democracy, it is also the clearly expressed view of the current Secretary of State for Culture, Media and Sport, who wrote about the matter last year in the *Sunday Mirror*. My purpose today is to urge the Government to act now to safeguard our local newspapers against unfair competition from council-funded local papers.

I will first give some background information. Research by the Newspaper Society last year found that nine in 10 councils now print their own newspaper. Over the past year around 60 local papers have closed across the country, amounting to almost one in 20 titles. Not all of that is due to unfair competition from councils, as clearly other factors are also at work, new media being just one example. Cost pressures have forced cuts in journalist staff, potentially compromising local papers' ability to get behind the press releases they are bombarded with from all directions.

Mark Williams (Ceredigion) (LD): Does my hon. Friend accept that the question is about not only the closure of newspapers, but the reduction in the number of editions for some newspapers? My local paper, the *Cambrian News*, which is celebrating 150 years since it was founded, serves a huge area of rural Wales, but we have seen a reduction in the number of local editions, which also affects the effectiveness of local reporting.

Mr. Burstow: The ability of local papers to really get into local communities in that way is clearly a concern, and obviously the cost pressures that many face are leading to such curtailments, so the hon. Gentleman makes a fair point.

I declare an interest, as I was a member of a local authority for several years, and as a former councillor I have no beef with the idea that local councils should be able to communicate directly with local residents about the services they offer, and provide information to the public. That is a legitimate role for any local council.

Philip Davies (Shipley) (Con): I suspect that I will agree with much of what the hon. Gentleman will say. He said that local authorities should communicate with their local residents, but does he agree that the main difference between what local newspapers do and what local councils do is that local newspapers hold local councils to account, whereas local council newspapers seem conveniently to concentrate on all the good things that seem to be happening? They never concentrate on the things that are going wrong in their area.

Mr. Burstow: The hon. Gentleman makes a good point, which I shall amplify later in my speech with more details and examples.

Mr. David Evennett (Bexleyheath and Crayford) (Con): I congratulate the hon. Gentleman on securing the debate. It is an issue that many Members, from all parties, are concerned about. When we are trying to engage more people in politics and the democratic process, surely the local press has an important role. Council publications cannot fulfil it to the same extent because they are informative journals, but we need to get more people interested in politics, and the only way to do that is to have a vigorous local press.

Mr. Burstow: Absolutely. That is the reason why I wanted the debate and why I was so pleased that my name came out of the hat soon after applying for the debate. I agree entirely with the hon. Gentleman's point.

Many councils have for a long time produced publications that do not compete directly with the local press. They are often magazines that are published less frequently than newspapers and focus on council services. They can provide a useful service. However, they have to be clearly different from newspapers and must not provide a new service to the local public. My council produces such a magazine, the *Sutton Scene*, which definitely does not compete with local newspapers.

Just imagine that a beleaguered Prime Minister decided to hire a team of journalists and commentators to produce a daily newspaper that created a positive image of the Government, talking up their achievements and promoting them as well as it could—*[Interruption.]* It might be impossible even for the best journalist in the world. Such a publication would always be on message, and there would be a huge cost to the taxpayer. Clearly, there would be a lot of laughter as a result, but there would also be an outcry, because clearly that is not right, but it is what is happening locally. Taxpayers' money is being used to pay for the production and distribution of loss-making, council-run newspapers.

A sinister trend is emerging in some local government quarters of directly competing with local independent newspapers, even to the extent of putting them out of business. One council that has developed such an approach is Tower Hamlets council. It has adopted an aggressive approach to running its weekly newspaper, *East End Life*. The council's head of commercial operations, Chris Payne, set out the philosophy behind *East End Life* at a conference in Sheffield in 2008. Many independent local papers, he said,

> "churn out a negative diet of crime and grime, often attacking their local council and generally creating a negative impression".

Council papers, by contrast,

> "help create a positive place-shaping agenda, talking up an area and its residents' achievements, celebrating diversity and opportunity for all. Look at your local newspapers, paid-for and free…Then ask yourself: can you do a better, brighter, more cost-effective, informative, entertaining, valued and positive local paper?"

That vision of a state-run local newspaper goes well beyond providing local residents with information about council services.

Mr. David Drew (Stroud) (Lab/Co-op): The answer is to return to the reputable trade of journalism. Journalists should work only for independent newspapers and should be guaranteed proper training and decent wages. Does the hon. Gentleman agree that it has all gone wrong because we have undermined the trade of journalism?

Mr. Burstow: The hon. Gentleman has a point, and there is also a point about the blurring of the role of press officers and journalists writing news and newspapers. Equally, however, huge numbers of people still want to go into journalism and see local papers as an important starting place for their career.

The vision I have outlined is one that a number of local authorities certainly seem to be embracing. They are spending large amounts of public money to employ press officers to produce what amounts to little more than propaganda masquerading as newspapers. It cannot be healthy for local democracy, or indeed for accountability, as has been mentioned already, for the only source of local news to be paid for by the council.

I will give some examples of the types of practice that need to be investigated. Indeed, the excellent debate pack produced by the House of Commons Library provides many examples of the concerns about the matter up and down the country. As a London Member of Parliament, I shall concentrate on London examples.

In the past nine years, London boroughs have ditched low-key, factual publicity and launched high-frequency, in-your-face tabloids full of good news—even good news that does not bear much scrutiny. I have already mentioned *East End Life* in Tower Hamlets. Currently, that council paper is produced and distributed to 90,000 homes every week. It runs to 72 pages and contains news, reviews, seven-day TV listings, restaurant reviews and, of course, sport. Circulation for the local paid-for paper, the *East London Advertiser*, has fallen from 20,000 to 7,500, and its advertising revenues have plummeted since *East End Life* started to offer subsidised advertising rates that, frankly, it could not match.

How much is all that costing? The council says that it costs £118,000 a year—good value for money for the council tax payer—but that figure hides a great deal. When one looks further, one finds that there is an awful lot of subsidy through advertising paid for by the council and other local agencies. Indeed, on the most recent figures, it amounts to £980,000 a year, so the true cost to the public purse of the publication is £1.1 million.

Mr. Edward Vaizey (Wantage) (Con): Is it not also a matter of concern that the editor of that local government newspaper is paid more than one of our most distinguished journalists, Miss Polly Toynbee?

Mr. Burstow: I am grateful for that point, which is a fair one. It needs to be brought out, and has been brought out clearly in this debate.

In truth, without a huge public subsidy, *East End Life* would be dead and buried—it would not be able to run. However, if it were acting like a true newspaper, would it not hold the council to account? Let me give an example of what I mean.

Last year, Tower Hamlets paid out £800,000 after cancelling the contract of its chief executive. It paid out another £1 million in compensation to an employee over an age discrimination case, and £500,000 was paid in redundancy to the council's head of human resources. Large sums of public money are being paid out, but not a single column inch was devoted to explaining any of it in *East End Life*. When the books failed to balance for that particular operation, and the paper found itself with a £400,000 shortfall in advertising income, [illegible]pped into the council's reserves to find money for a bail-out. There was no debate, there appears to be no accountability, and there were certainly no column inches devoted to explaining why that was a good use of council tax payers' money.

How can that be fair competition? Any commercial local paper facing such a drop in revenue would have to take drastic action such as cutting jobs and closing offices.

Derek Wyatt (Sittingbourne and Sheppey) (Lab): Can the hon. Gentleman enlighten us as to whether the accounts were then passed by the Audit Commission? Has he been in conversation or correspondence with the commission about that?

Mr. Burstow: Local council tax payers should certainly do that, but the question is whether they even know that such a thing has happened. That is why this debate is taking place.

Harry Cohen (Leyton and Wanstead) (Lab): Will the hon. Gentleman give way?

Mr. Burstow: I will give way one more time, but I want to try to make some progress so that others can participate.

Harry Cohen: I do not want to make a long intervention. The hon. Gentleman referred to competition. Is it not a problem if a local authority does its advertising, including statutory notices, in its own paper and takes it away from the independent press? Indeed, the Government should ensure that statutory notices are put in the independent press. Is it not unfair competition when that does not happen?

Mr. Burstow: One thing that I want to put on the record is that the Government did consult on removing statutory requirements to place adverts in independent publications and, I believe, decided not to proceed with that. That was on 21 December, and that good news was welcome.

Mr. Alan Reid (Argyll and Bute) (LD): Will my hon. Friend give way?

Mr. Burstow: If I could make a little more progress, I would be happy to give way to my hon. Friend.

I was referring to the drastic reaction—cutting jobs and closing offices—that a commercial entity would need to have to falling revenues. Another example that I wish to give is *Greenwich Time*, which is delivered 44 weeks a year to every home in the borough. Again, it mimics the format and content of a local paper. Its cost is £708,000 a year, of which at least £532,000 is borne by local taxpayers. Before it goes to print, every page is checked and approved by the council leader. The council claims that it is not trying to put the local independent paper out of business, but it has adopted the practice of holding back stories for exclusives for its own paper.

If we head west, we find that a similar story applies to Hammersmith and Fulham. The council's *h&f news*, which is distributed to 75,000 homes, is a perfect example of what I wanted this debate to be about: pseudo-newspapers. It has lots of news, a 12-page property section pull-out, crosswords and a sudoku, a what's-on section, advertising from local businesses and even a gardening section. Its counterparts in Tower Hamlets and Greenwich and all such publications are written to look at the world through the tinted glasses of the ruling party of the council.

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): I was looking through my copy of *h&f news* to find out what is not happening in the borough as the hon. Gentleman spoke. If I get a chance to speak, I have some rather good news, which he may know about, on the local press in my area. He will be pleased to hear that universally—perhaps not originally, but universally—*h&f news* is known as *Pravda* throughout the borough, so perhaps it is not quite as effective as some might think.

Mr. Burstow: I hope that the hon. Gentleman gets an opportunity to contribute to the debate.

The consequence of this unfair competition is that Hammersmith and Fulham had been on the verge of becoming the first borough in Britain where the only source of local news was the council newspaper. As the hon. Gentleman intimated, Trinity Mirror Southern, which owns the local titles in Hammersmith and Fulham, yesterday announced a fight back, and I understand that the *Fulham and Hammersmith Chronicle* will be relaunched as a free weekly paper, to be delivered to 72,000 homes in the area, from this Friday. That has to be good news for the people of Hammersmith and Fulham.

Tom Brake (Carshalton and Wallington) (LD): My hon. Friend will know that local newspapers such as our own, the *Sutton Guardian*, play a crucial role in keeping our local community informed about local matters that affect it. Is he as worried as I am that local newspapers across the whole country are finding it difficult to ensure comprehensive distribution of commercial free sheets, and does he put that down to the competition that they are facing from local councils' free newspapers?

Mr. Burstow: I am sure that that is one contributory factor that makes it harder for the commercial business model for a local newspaper to be viable and to continue.

Going back to Hammersmith and Fulham, its justification for having a fortnightly council-funded newspaper was interesting: there was not an independent local paper that had a circulation sufficiently robust to be able to communicate with local residents and get messages into the community. Now that Trinity Mirror is planning a free newspaper, which will hit 99 per cent. of households, surely the council should be announcing a timetable for getting out of the state-run newspaper business. Of course, not every area has a newspaper group such as Trinity Mirror, with the resources to change its business model and move to a free sheet. In many cases, local papers are wilting under the pressure of council competition.

My final example is from Waltham Forest. The council relaunched its in-house magazine in 2008 as a local newspaper, the *Waltham Forest News*, which is distributed free to 110,000 households. The council withdrew its advertising from the local independent press and now places all its ads in its own paper—that goes back to the point that the hon. Member for Leyton and Wanstead (Harry Cohen) made. As well as turning off the tap on advertising revenue, the council is actively marketing its paper for advertising.

Not only has the funding tap been turned off but news stories are being held back to be given to the council's paper on an exclusive basis. I am told that, as a result, on a number of occasions the *Waltham Forest Guardian* received complaints from its readers for not reporting events that had a council connection. In fact, the council had kept it in the dark about what was happening. In 2006, Waltham Forest spent £464,000 with the Guardian series. That fell to £177,946 in 2007 and just £9,749 by 2008. That was a crippling drop in revenue for a significant employer in Waltham Forest. The council's decision to withdraw its advertising damaged the paper and contributed to job losses and the closure of the paper's local office.

Getting a handle on the true cost of council-controlled newspapers is hard because often it is not clearly set out in a codified set of accounts. The costs are buried in other budgets, making it difficult to pull together a complete picture. Nevertheless, a combination of freedom of information requests, investigative journalism and so on has allowed us to put a figure on what the pseudo-newspapers are costing. In London, some £10 million a year is being spent on them. I understand that in a couple of weeks, under the auspices of the Tower Hamlets business manager, all the business managers of those effectively commercial council-run newspapers will meet to compare notes on how to be even better at selling advertising in their areas in competition with their local papers.

I said that my purpose today is to urge action. In June last year "Digital Britain" reported on and acknowledged the negative impact on independent local newspapers of local authority newspapers:

> "they will inevitably not be as rigorous in holding local institutions to account as independent local media."

It went on to say that there was a need for the Audit Commission to be invited to undertake an inquiry into the impact of council newspapers and to

> "make recommendations on best practice and if restraints should be placed on local authority activity in this field."

That is what happened. That request was made and the Audit Commission is undertaking a study and a report is on its way. However, the scope of the Audit Commission's study has been narrowed and will not cover all that "Digital Britain" sought: it will not look at the impact of council papers on independent local newspapers. The wider public interest in a free press is not being considered by the Audit Commission because it is outside its remit. If that is so—I believe it is—it is not good enough. Surely the competition issues must be addressed. I have presented some evidence about why that is so.

Last month, the Secretary of State for Business, Innovation and Skills said:

> "a healthy culture of local news in particular is a public good and Government can't just wash its hands of some responsibility for sustaining that public good."

How will the Secretary of State's good intention be translated into action? If the Audit Commission does not do a comprehensive job and does just a half job, surely the Office of Fair Trading must be asked to finish it off and do the job that "Digital Britain" asked to be done. Without such action there is a risk of the creation of 21st century rotten boroughs, where the only news freely available to everyone is provided by the council.

Chris Payne from Tower Hamlets described council-run newspapers as "place shaping". Orwell would be proud. I hope that we can do something to ensure that Orwell is not proud and that we do not allow state-run newspapers.

2.52 pm

Derek Wyatt (Sittingbourne and Sheppey) (Lab): May I congratulate the hon. Member for Sutton and Cheam (Mr. Burstow) on prompting the stimulating discussion that we will have in the next 90 minutes?

I should like to mention a little bit of history. In 1995, Netscape created a web presence that enabled people not only to read straight e-mails, as we had in those days, but to carry pictures and, inevitably, video. In the first internet bubble of 1999-2000, the only national newspaper that understood what had happened was *The Guardian*, which then started to run a virulent, clever website called Guardian Unlimited. Of course, *The Guardian* could do that because it is a trust—a charity, a not-for-profit company—and was able to invest huge amounts of money to become the first national newspaper to measure, understand and put news on the internet. But it did not have to worry about the advertising moving from its paper to its own site, because it was the same business, although, as we know, it is not a business but a not-for-profit company.

Only in the past two years have *The Sun*, the *Daily Mirror*, the *Daily Mail* and *The Daily Telegraph* fully understood what the net is doing. Why have they done that? They have done it because they have lost their advertising. Since the new year, regular *Guardian* readers will have noticed that one section is missing—on Thursdays, for example, the information technology has gone—and all the other sections are being rolled into the main newspaper, because the classified ads have gone. Where have they gone? The Government's classified ads, for example, have gone online, to Direct.gov. The process has changed. Why have *The Daily Telegraph*, The *Sun* and the *Daily Mirror* done that? *The Sun* gets nearly 3 million hits a day on its website, most of which are from America. Most of the hits on *The Guardian* are from America, too: two thirds of the traffic on Guardian Unlimited is from America. That is all very well, but advertising cannot be sold to Americans unless there is an American presence and it is being sold from there.

This is a more complex issue than it might seem, because, by and large, Trinity Mirror and Northcliffe are the largest owners of regional newspapers. Over the past 20 years, regional newspapers have been seriously starved of money: perhaps hon. Members visited over that time and saw the antiquatedness of what they had. Some did not have access to the internet in the past 10 years, others have only just got it, and some journalists did not have personal e-mail addresses. On going to the archives to try to find out what was said in the past, all people would have found would have been a cupboard full of 10,000 newspapers. It was impossible. It is all very well for us to say, "This is happening", but local newspapers have been bled by their parent companies. That is a consideration.

There has been a freefall of advertising—that is the key for all newspapers—because of the power of the net. For example, there is now a website that is supported by the lottery for people who want to work for a Member of Parliament. I wanted a researcher and put an advert on that site, which did not cost me any money; 450 people applied. I had the most amazing shortlist and I got somebody I am thrilled with. In the old days, I would have had to pay for an advert. If I am doing that—if we are doing it as MPs—imagine the implications for the classified advertising market: it has collapsed. The hon. Member for Sutton and Cheam has made a robust case about local authorities paying, but I am talking about the market. The market has collapsed for weekly newspapers, and that is the difficult bit.

What can we do? The problem has been compounded by the development of local radio, which takes local news. If people can hear their transport, weather and local news every day, why buy a weekly newspaper? There are other reasons why the local market is where it is. In Kent, for instance, which has the largest local authority, Trinity Mirror has just sold out to Northcliffe and there is a private family business called Kent Messenger. However, to keep people out of the classified market, Kent Messenger bought six local radio stations, although I am not sure that that should have been allowed. That course of action has been compounded, since we are in a recession, because now Kent Messenger cannot afford to run both the radio stations and the local newspapers and has made the mistake of shutting front-line newspaper offices in the high street.

Journalists who work in a high street know that people pop in. For example, Flo might pop in and say that she not only wants to buy an ad, but wants to tell the newspaper about a fire yesterday in the village that it did not know about; it gets the story. Without journalists in the high street, and with the newspaper office in a car park or a business centre, no one pops in and the news is worse. That is compounded again if companies say, as Trinity Mirror and Northcliffe have latterly, "We're going to invest in the websites of regional weekly newspapers." Why bother to buy the weekly newspaper when you can get Monday's, Tuesday's and Wednesday's news free online?

The strategy of the owners of the local newspapers is confused. They do not know what to do. There are only two solutions. First—I have said this before, but I will say it again, because somebody might listen eventually—we set up a licence fee for radio for the cultural good of Britain, which eventually became a television licence. Why is it restricted just to radio and television? It is a cultural fee. What might happen if someone said today, "I'm going to set up a radio and TV licence and by the way we also run six orchestras. I hope you don't mind, but we'd quite like the BBC to have an orchestra."

Following my drift, why is only one organisation allowed access to that cultural fee? If it were taken away from the BBC and Ofcom invited bids, and as a result the BBC had access to only 90 per cent. of that fee in the first three years, we would have a fund of £300 million that we could spend on community radio and television, academic publishing—you name it. People would be able to apply for money from that cultural fund, even for music lessons in schools, if it were for the cultural good. If we do not do that, there is no solution to help the local newspaper.

I am not suggesting that we should subsidise Trinity Mirror's or Northcliffe's local newspapers, but there will be a *Guardian* alternative locally and groups of people will want to set up not-for-profit newspapers, often online, that need funding. People cannot make it work. But what if they tried? How much does *The Huffington Post* lose? God only knows. The person who runs it is amazingly fortunate because she has backers in Los Angeles that allow that to happen. But look at the news she collects and at the cost of it. Tina Brown in New York has 5.5 million readers, but there is no money.

Making news work online and offline is complex and it is harder for local newspapers, because they lack the drive, ambition, aspiration and understanding of the market.

Simon Hughes (North Southwark and Bermondsey) (LD): The hon. Gentleman makes a strong case. Let me remind him that some local newspapers are truly independent—I am sure he knows that, but I want everybody to register the point. They do not have a group such as Trinity Mirror behind them, or a big backer who can cross-subsidise. There is a paper called the *Southwark News* that is entirely independent. It is even more at risk if councils behave as my hon. Friend the Member for Sutton and Cheam (Mr. Burstow) suggests they increasingly want to do.

Derek Wyatt: As I have said, that case is a matter for the Audit Commission, and I am amazed that it has been allowed. Perhaps questions should be asked about that in another place in due course. My instincts are that newspapers have forgotten why they are there. My sense is that they should have a lesser presence on the weekly pages, but go to the net as fast as possible. They

[Derek Wyatt]

should be local social network sites. On my social network site I want to find the Yellow Pages, Facebook, YouTube and Time Out. If such a site can be produced for Sittingbourne and Sheppey, it will get as many readers as the local paper does currently. How do I know that? I set up my website 10 years ago. The circulation of my two local weekly newspapers is between 8,000 and 11,000 people, but my website gets more than 15,000 readers. Who would want to read it? It is read because it contains local news and is produced daily.

My point is that the newspapers were wrong because they should have come to the net earlier. If they are planning to come to the net now, they will need to invest huge amounts of money, which their owners do not have. Therefore, they will need a fund or we will go backwards—hon. Members know where I am coming from. We wait to see how Rupert Murdoch will deal with this issue. Perhaps the iPhone application—or whatever—will cost 5p for the front page, 20p for the op-ed, 50p for the best journalists and more for other things. However, I counsel caution, because *The Guardian* tried to do that, and less than 12,000 people bothered to pay for an application for their iPhone, which would be updated twice a day. Will such measures work? I do not know, but somehow we must find a fund to help local newspapers.

Mrs. Janet Dean (in the Chair): Order. Before I call the next speaker, I remind hon. Members that the Front-Bench speakers normally start at 3.30 pm. Therefore, I ask all hon. Members who wish to speak to be brief so that everyone can get in.

3.1 pm

Mr. Andrew Pelling (Croydon, Central) (Ind): I congratulate the hon. Member for Sutton and Cheam (Mr. Burstow) on securing the debate. In south-west London we benefit from the excellent "Guardian" series. The hon. Gentleman receives extremely positive coverage from the local newspaper, which is down to the excellence of his performance, not necessarily to how well he manages that medium.

The national media are very powerful and can crush people at will. As many hon. Members know, I have successfully sued such media. As mentioned previously, local media are, in the main, owned by big international conglomerates. My local newspaper is part of the "Guardian" series owned by Gannett. The "Advertiser" series in Croydon was part of Trinity Mirror, and is now part of Northcliffe Media, which reflects some of the trends in local media.

It is important that we expect organisations to invest properly in the capital and in the staff of their newspapers. Many people work in the business out of love, care and perhaps a desire to move on to bigger and better things. They are significantly underpaid, particularly when compared with the local government sector, where someone who works in public affairs or producing local newspapers can often earn double.

There are some good points and merits of local newspapers that we should boast about in this debate, to justify support for thriving local media. We are lucky with the Newsquest "Guardian" series, as it has a broad editorial base for its activities. Its contribution to the community can be seen in its green pages, in its campaigns in the interests of business—in our case, for south London businesses—and in its promotion of contributions from individuals to their community.

I went to an event run by the *Croydon Guardian* which celebrated Croydon champions. That newspaper has taken a positive line on removing sex industry adverts from its newspapers. I hope that Northcliffe will do the same with the *Croydon Advertiser*, although so far it has refused.

Finally, we should recognise that the industry is extremely efficient. The *Croydon Guardian* operates with three journalists—Kirsty Whalley, Harry Miller and Mike Didymus, who report to Matt Knowles—but the quality of production is amazing.

Yesterday, I was pleased to meet the editor of the *Croydon Advertiser*, Andrew Worden. There is a challenge to the *Advertiser* from the local council newspaper, *Your Croydon*. There is heavy—top-heavy—investment in the press department of the local authority, and often there is little distinction between Croydon council's press office and the parliamentary campaign of the Conservative candidate for Croydon, Central. One can see the power councils have in terms of the money provided, and although the amount spent on the council newspaper is probably around £20,000 a month, overall spending for the communication side of the authority is now £2 million a year. That is a substantial amount of money, which might be better spent on the campaign currently being run by the council—in close conjunction with the Conservative parliamentary candidate—calling for extra police officers in Croydon. That is rather surprising given that the Conservatives are in control both at County hall and in Croydon.

We must think carefully about how the intervention of local authorities in newspaper production can be particularly dangerous in communities that are smaller than Croydon. The economies of scale are being increased by such intervention and if we end up with only two journalists on the newspaper, as that is all that can be afforded at local level, the newspaper might go out of business. Many communities to the south of my constituency could face that difficulty.

We often criticise local newspapers for being sensationalist, and that is particularly applied to the *Croydon Advertiser*. However, we must recognise that they do many good things, and I underline the point raised earlier about the advantages of newspapers investing in regions and little parts of their communities. In my local area, New Addington is a satellite estate and somewhat isolated, so it is great news that the *Croydon Advertiser* continues to publish the *New Addington Advertiser*, and the good work done by Joanne Charlton.

Local papers support communities by covering local sports. I primarily read my local paper not to see what unpleasant things have been written about me, but to learn what has been happening to Croydon football club. Only about 60 of us actually go to watch the matches, but it is still important for people to know what is going on. The *Croydon Advertiser* has done good things in terms of transport for young people who need to be taken for kidney treatment, and in supporting the Chase children's hospice, which is outside Croydon but looks after young people from Croydon.

Mr. John Redwood (Wokingham) (Con): Does the hon. Gentleman think that councils should be banned from issuing newspapers of their own?

Mr. Pelling: Although there is a need to communicate basic public information, it would be possible to have legislation that stopped the marketing of the political views of parties. That is something that one would have expected the local soviet to have produced in Russia, and I agree with the implication of the right hon. Gentleman's question. I support that approach—£2 million could be much better spent elsewhere.

Mr. Bill Olner (Nuneaton) (Lab): Do local newspapers face a greater threat from locally produced local government newspapers, or through the incompetence of their owners?

Mr. Pelling: There must be value in seeing both points of view. In the previous speech, a point was made about the lack of investment in training and in staff. In my local newspapers, many staff probably earn between £12,000 and £16,000 a year, but have the prospect of doubling their pay if they become the equivalent of a junior reporter on their local government newspaper, and that situation is extremely distorting.

None the less, good things are done, and I want to mention two examples of the dedication shown in local journalism. First, my local authority gave an award to a gentleman called Ian Austin, who has been covering local government in Croydon for 40 years. Without him, it would not have been possible for people to have had a balanced view of what was happening.

Secondly, I want to mention a lady called Aline Nassif, who is a campaigning, social issues journalist. I am sure that she will go on to rival the pay of Polly Toynbee, or perhaps a local government press officer, because of her pursuit of important social issues. Work such as hers also informs Members of Parliament, who benefit from what the local media have to say, and one attraction of her work is that she has campaigned on important social issues, such as the very real weaknesses at Mayday hospital. However, I have already taken too much time, and I apologise to other hon. Members. I will make way for others to speak.

3.10 pm

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): I congratulate the hon. Member for Sutton and Cheam (Mr. Burstow) on obtaining a debate on an extraordinarily important issue. There is no doubt that local newspapers face a crisis, which is why the Select Committee on Culture, Media and Sport is conducting an inquiry into the future of local and regional media and why we have received a lot of evidence. In our first session, Claire Enders, who is one of the most respected industry analysts, told us that half the country's 1,300 local newspapers will be out of business within five years. We then heard from the chief executives of Johnston Press, Trinity Mirror and the Guardian Media Group, all of whom agreed that the crisis is the greatest that the industry has faced.

This is not just a UK problem, but an international one. I have with me a chart showing the number of people employed in newspaper publishing in America. In 1947, the figure stood at about 240,000 and it grew steadily until about 1992. It peaked at 460,000, but in the 15 years since then it has fallen to 260,000, and it is still plummeting. All of us know of local papers from around the country that have closed, but even where papers have not closed, their offices on the high street are being shut, the number of journalists is falling and the number of photographers is no longer the same. As a result, the quality of local coverage is diminishing.

The first question to address is whether that matters. When the Minister gave evidence to the Committee a few weeks ago, he rightly pointed to the quality of some online content. I think that he mentioned a website called Pots and Pans—

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Siôn Simon): Pits n Pots.

Mr. Whittingdale: I apologise. The Minister highlighted an example of a good local website, and there is no doubt good local provision.

However, it was pointed out to the Committee that the media industry is a pyramid, with local newspapers at the bottom, forming the base or the widest part. Much of the journalistic investigation and news content that filters up to the nationals, to radio and even to television and the BBC starts with investigations carried out by local newspapers. Furthermore, online provision is largely parasitic. That is a slightly emotive word, but how many journalists does Google employ? Most such sites reproduce content from local newspapers. If we lose those newspapers, the bottom of the pyramid will be removed. I agree with all that has been said about how important it is for democracy and local accountability that local newspapers survive.

Simon Hughes: One point that we have not mentioned, and which I am keen that we should, is that local newspapers also do local court reporting. If we did not have that, the only court reports would be about celebrities appearing in court. Promoting an orderly society often involves people realising that others who live on their doorstep, on their estate or on their street might be held to account and punished for what they do. People can then comment on the punishment and on whether it works.

Mr. Whittingdale: I very much agree and I will mention that issue briefly in a second.

However, we need to look at why these things have happened. The hon. Member for Sittingbourne and Sheppey (Derek Wyatt) is right that the principal cause of the problem is the growth of the internet. That growth has come at the same time as a recession, which has led to a reduction in overall advertising spending. However, this is not just about the recession; there is a migration of eyeballs and advertising expenditure away from traditional media and towards online provision. To cite one example, the value of regional newspaper advertising fell from £2.8 billion to £2 billion between 2002 and 2008. At the same time, the value of internet advertising grew from £0.2 billion to £2.8 billion in real terms. As a result, local newspapers are in a double squeeze and are seeing their advertising revenue fall, with all the consequences that have been described.

In the brief time available I shall focus on one or two things that we might do to address the problem. The hon. Member for Sutton and Cheam is right: local

[Mr. Whittingdale]

authority newspapers are not helping. There is undoubtedly competition—some might say unfair competition—from many local authority newspapers. Authorities no longer place advertisements in local newspapers, with the result that newspaper revenues are declining. At the same time, local authority newspapers are taking advertising revenue. The Committee had some concern about that when we took evidence, and it may be necessary to take action.

However, there are other elements in the problem. The present crisis faces not only local newspapers, but local radio and regional television. The Government have come up with the interesting idea of using part of the licence fee to fund independently financed news consortiums, and that might help local newspapers, which could play a significant part in such consortiums if they go ahead.

We could also do something about the competition regime. The Committee was told to expect that almost every area of the country would be served by just one local newspaper in the future. That should not necessarily worry us, because there is competition from a lot of different sources, so it is not a case of allowing a monopoly to develop. We need to look at the competition rules again to take account of alternative news provision.

Interesting experiments are taking place with paid-for online content. Like the hon. Member for Sittingbourne and Sheppey, I will watch with great interest how News International gets on if it seeks to impose pay walls on its content. There are two villains in the piece, particularly in this country. The first is Google, which aggregates content and allows consumers to bypass pay walls. Google's UK managing director assured us that Google was a beneficial influence and that it strongly supported local newspapers. If that is the case, it needs to do more, although it has begun to take steps to address the problem.

The other villain is the BBC. As long as it provides online content for nothing, it will be difficult for local newspapers or, indeed, any news organisations to charge for content. I am not necessarily suggesting that the BBC should charge for all its online content, but the current situation is an obstacle, which will make things hard for other providers.

Mr. Don Foster (Bath) (LD): Does the hon. Gentleman not accept that another way forward might be to enable the BBC to go ahead with its original plans for local websites, but to populate them with news gathered by local newspaper and radio reporters, who would then be paid for their work?

Mr. Whittingdale: Like me, the hon. Gentleman will remember local newspapers' fury at the suggestion that the BBC should provide local news. He might be right, but such an arrangement would be regarded with huge suspicion. It was suggested at the time that the BBC would use material gathered by local newspapers, but the proportion was likely to be small. The local newspaper industry is likely to regard such an arrangement more as a threat than an opportunity. However, it may be that we should at least consider it.

I am conscious of the number of people who want to speak, so I want to raise one final point. I do not fully share the view of the hon. Member for Sittingbourne and Sheppey, who mentioned the interesting principle of public service reporting. The hon. Member for North Southwark and Bermondsey (Simon Hughes) mentioned the court service, which is just one example. It is terribly important that we know what is going on in our courts, health authorities, police authorities and local councils—in all the various institutions that underpin local government and local democracy. The truth is that local newspapers no longer cover those things. We no longer see someone from the local paper sitting in the corner at every meeting of the local council or its sub-committees or in meetings of the health authority. That coverage is disappearing from local newspapers, and we should at least consider whether there is a case for public service reporting to be made available to anybody who wishes to carry it, be that local newspapers, local radio or local TV.

Similarly, we no longer have every newspaper represented in the Gallery of the House of Commons. Papers rely on the Press Association to supply them with independent and objective content and to tip them off if anything dramatic happens in the Chamber. There may be a case for considering whether the same kind of service should be extended to local council chambers and the other local institutions that are so important. How that would be financed is a matter for debate. There is a case for it to receive public support, and if so the licence fee is an obvious source. We need to have that debate. I agree with the hon. Member for Sutton and Cheam that if we allow local newspapers to continue to close and to withdraw from their terribly important local role in sustaining our democracy, we shall all suffer.

3.20 pm

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): I am pleased to speak again in the series of debates that have taken place in this Chamber on this subject. I congratulate the hon. Member for Sutton and Cheam (Mr. Burstow) on securing the debate. What gives me particular pleasure is the fact that on each occasion the number of hon. Members who attend grows, and the penny appears to have dropped on all sides that the issue is not party political. It is an issue on which all three parties are guilty, at local level, and which is a serious threat to local democracy and perhaps wider democracy.

I can do no better than to use a quotation to sum up where we are in the borough that may suffer most from the problem—Hammersmith and Fulham. Andrew Gilligan wrote in his blog last week:

> "One of the biggest threats to journalism is the growth of Britain's new state press—free propaganda papers, either weekly or fortnightly, produced at great public expense by local authorities and delivered to all homes. The idea is to destroy the independent local press, thus ensuring that the only news you read about your local council is written by your local council…The frontline of the struggle is the Tory flagship borough of Hammersmith and Fulham, which looked like being the first place in Britain where official news became the only news. The council's propaganda organ, H&F News, is a brilliant facsimile of a proper local paper—unless, of course, you are looking for any mention of the Labour Party, or any criticism of the council, the police, the NHS or any other branch of officialdom. The local independent paid-for paper, the Fulham and Hammersmith Chronicle, meanwhile, was on its last legs, with a circulation of 1,500."

> Now, however, the Chronicle"—

as the hon. Member for Sutton and Cheam mentioned earlier—

> "has decided to fight back. It too is going free—boosting its circulation to 72,000 with no loss of editorial jobs—to take the fight to H&F News."

The blog also praises the hon. Member for Shipley (Philip Davies) for his robust comments on the matter in the Select Committee and says that some councils are already closing their newspapers. I shall be asking Hammersmith and Fulham council why, from next week, it will not close its newspaper, as its only excuse for publishing one was that there was no independent local paper in circulation.

The other unusual thing about the debate is that it gives me an opportunity to praise Trinity Mirror, of which I have been somewhat critical in the past. I hope that its ambition in this case—clearly it has the necessary resources—will be followed throughout the country. Clearly it recognises a commercial threat, because although a minority of local authorities may be affected at present, you can bet your life—it is human nature, is it not?—that all those councillors sitting in their offices would love a completely supportive and uncritical press. I am concerned about what will happen if we do not tackle what is happening and nip it in the bud.

What action do the Government intend to take to stop politicisation through the council press, and the destruction of the independent local press? We will shortly need action at national level. This cannot be left to Trinity Mirror and the other newspaper groups. Let us make no mistake: the problem goes further than the watering down or manipulation of news. Very large sums of money—millions of pounds—are involved. Hammersmith and Fulham admits to spending £750,000 on the newspaper; but that is only the cost that it admits. It is the tip of the iceberg. There are magazines, newsletters, banners in the streets, poster vans driven around the borough, whole tube stations kitted out with advertisements, and online material, all advertising the Conservative party, in effect, in all but name.

I shall give two examples of what I have described. One was a letter sent to tenants and leaseholders in response to a Labour party publication, directly criticising the Hammersmith Labour party. I feel sorry for the Conservatives. They had only £200,000 to spend politically in my constituency last year. Clearly they were a bit short with regard to what the council could provide in subsidy by putting out that material. Just before Christmas a glossy six-page brochure went out about Building Schools for the Future. I could find no mention of its being a Government-funded scheme, but I found a half-page picture of my opponent saying that he had been invited into schools to talk to pupils, with a hagiography of him and an account of what he did.

I received an e-mail today from the borough solicitor, about that picture and publication:

> "We recognise this is a sensitive political period and we regret the final sentence of the article we published. The council's normal procedure for vetting potentially controversial publicity did not work properly on this occasion and I apologise for this and for any dissatisfaction you feel as a result. The newsletter has been removed from schools, libraries and the council's websites, and no further copies of the article will be distributed."

They must think I was born yesterday. Such things happen on a regular, weekly basis. Hon. Members may regard it as a warning if they will.

Philip Davies: In the hon. Gentleman's area, as I understand it, the cost is not the big issue. My understanding, from what the local authority says, is that its publication does not lose money, because of the advertising revenue that it brings in. However, does he agree that it is not just propaganda that is a problem with local council newspapers? It is the fact that it is propaganda masquerading as independent news. Whereas real, independent news will expose wrongdoing in the local authority, such publications merely highlight all the supposedly positive news stories that they want to get out.

Mr. Slaughter: The hon. Gentleman is right. I shall finish by responding to that point. The cost is an issue, because the admitted cost is £750,000 and some of that—about half—is subsidised from advertising, a large chunk of which is advertising by the council itself, or its mates in the public sector; the rest is taken from the local newspapers, to help run them down. However, the actual cost, when one considers the on-costs and hidden costs that councils provide, runs into millions of pounds. With the other advertising that is an issue. However—I direct this comment to those who are fortunate enough not to suffer from the problem at the moment—I agree that at root the problem is that however much the Conservative party or, indeed, any other party spends on party political material such as glossy leaflets or DVDs, at least it is clear where the money comes from. The pernicious nature of the material we are discussing is that it suppresses any news hostile to a particular political party—whichever it is—and exclusively promotes its interests. That is what is happening in local authorities throughout the country.

Yes, the issue is one of press freedom and of support for our very good local newspapers, which I want to praise—particularly the *Fulham and Hammersmith Chronicle*: I wish it success in the first issue on Friday. However, the matter goes deeper—to the root of local democracy, and if we are not careful, because national and European elections are targeted as well, to democracy generally. I have said this previously, and am glad to say it before a larger audience today: I ask hon. Members to be warned—the threat may be the most serious we face. We would not tolerate it at national level. We resile from regimes around the world that suppress a free press in such a way, to promote state propaganda. Why should that attitude not apply to our town halls?

Mrs. Janet Dean (in the Chair): Three more hon. Members want to speak; if they all speak for only two minutes they will all get in.

3.28 pm

Mr. John Randall (Uxbridge) (Con): I shall not keep hon. Members long at all.

In my borough of Hillingdon the demise of local papers has been going on for some time. I recognise the problems that have been discussed: the rise of the internet and of council publications—we have had one under both Conservative and Labour councils and I do not think that it interfered with the circulation of local papers. I would probably put it down mostly to something else. I agree with the hon. Member for Nuneaton (Mr. Olner), who is not now in his place—and I am not a businessman who knows that much about the press—that one of the problems has been chronic lack of investment in local newspapers.

[Mr. John Randall]

Large multinational or national companies have come along and diminished the number of journalists, and diminished their skills, to the point where the *Gazette* series, which is the one we have in the London borough of Hillingdon, has its offices in Chertsey, which to all intents and purposes is a million miles away. The people one talks to—the reporters, of whom there are one or two on the ground, operating with a laptop and a digital phone—tend not to understand the area, so people are not interested in what is in the newspaper. Advertisers like me do not think it is worth while to advertise, so things go down the pan.

The local newspaper is a fundamental part of the whole. The internet will never replace it, because many people, including many of the more vulnerable people, do not have the internet. The local newspaper is a very important thing, and we must do something, but it is no good just blaming one set of things.

3.29 pm

John McDonnell (Hayes and Harlington) (Lab): This is about the sixth debate that we have had on local newspapers in the past two years. May I say to my hon. Friend the Member for Sittingbourne and Sheppey (Derek Wyatt), on the proposals that he made, that actually the Government have listened. When we had the debate about 18 months ago, proposals were made that the Secretary of State should convene a meeting of all sides of the industry. He did that last April, and there was a summit at which a number of us from the National Union of Journalists parliamentary group were present, along with representatives of newspaper conglomerates and other representatives of the media. My hon. Friend's exact proposal that there should be a form of public funding to support local news and local quality journalism was taken on board. A presentation was made by Ofcom, and the Government have introduced the Digital Economy Bill, which includes the proposals on independently financed news consortiums.

I hope that that will provide part of the solution to the problem that we have been trying to address during this series of debates. I agree with the hon. Member for Uxbridge (Mr. Randall) that part of the problem has been both a lack of investment in the good times, when companies such as Trinity Mirror were making significant profits, and management not looking to the long-term future.

The Government have listened to those discussions and the debates here, and I welcome their proposals. My only reason for speaking in the debate is to ask the Secretary of State to give us an indication of the time scale now. We know that the tenders were put out for the pilots for the consortiums in November. It would be useful to know the time scale for the decision making on the process. That is also important for the sake of the staff, because we are worried about the loss of quality journalism, which was based on quality journalists. Assurances need to be given—for example, that existing staff within the area of the consortiums are protected by TUPE and will be transferred across into the new consortiums if they are established. In addition, an assurance is needed that there will be full involvement of the trade unions in the discussions on those proposals at the next stage. An assurance also needs to be given that in the next stage of the development of policy, we will keep in place the mechanism of the summit that we had last April, so that we can be ahead of the game, rather than continuously responding to crises.

3.32 pm

Mr. Don Foster (Bath) (LD): I congratulate my hon. Friend the Member for Sutton and Cheam (Mr. Burstow) on securing the debate, which has demonstrated, for once, all-party concern about an issue—an all-party desire that action be taken. My hon. Friend described local and regional newspapers as the lifeblood of local democracy—words that echo those of the Secretary of State. They are also very similar to those of Lord Mandelson, who recently described local newspapers as the

"bedrock of local democracy and public life".

That has been reflected by all hon. Members who have spoken. No one denies the vital importance of such newspapers in holding bodies such as local councils and primary care trusts to account, reporting from our local courts, as we heard, or simply providing local news and local information. We all agree that we need a vigorous local and regional press.

We also heard that there have been problems with the continued existence of local and regional newspapers. Threats have come particularly from structural changes as more and more people get their news and information from local radio and online. For once, we have heard a lot of praise for Trinity Mirror. We should perhaps reflect on the fact that it has seen huge increases in the profits that it takes from its online assets. In fact, in 2008, it spent £13 million acquiring new digital assets and, in the same year, closed 28 of its local newspapers.

We have seen, as a result of that problem, other problems coming along. We have seen a decline in advertising revenue. That is critical because local newspapers depend very much on local advertising revenue. We are also seeing the growing threat, as we heard, from the increasing number of councils producing publications that are newspaper-like and magazine-like. Some 90 per cent. of councils now produce such publications.

As a result, 60 newspapers closed last year. That is about 5 per cent. of the total. A number of daily newspapers have changed to be weekly newspapers. Hundreds of qualified journalists have lost their jobs, and many of the high street offices of our local newspapers have been closed. As we heard from the Chairman of the Culture, Media and Sport Committee, the hon. Member for Maldon and East Chelmsford (Mr. Whittingdale), the situation seems destined to get worse.

That said, I was delighted to read in a briefing from the Newspaper Society that it thinks that there is an element of optimism: the decline in advertising has begun to stabilise, readership is currently being maintained, and local papers are availing themselves of opportunities in connection with the web and multi-media.

The reason for the threat continuing comes from three key areas. We have already heard about the first from my hon. Friend. It relates to the current requirement for councils to publish statutory notices—planning notices, compulsory purchase orders, footpath orders and so on—in a local newspaper. There was a real threat that that requirement would be removed. My hon. Friend rightly says that it was great to hear on 21 December the Government saying that that would not happen.

However, I say to the Minister that that threat may still be a real one, because my understanding is that a number of councils have now either had their local publications registered as a newspaper so that they can be the body—the organ—in which those statutory notices are put, or are considering ways of doing that. The threat has not totally gone and I would be grateful if the Minister responded on what the Government are doing about that.

The second cause of concern is the fact that some of those publications are being used for councils' own advertising and therefore advertising is being taken away from local newspapers. The Minister might want to comment on what the Government themselves are doing, because the Government, too, have started to withdraw some of their own advertising opportunities from local papers. Perhaps there is a course of action that they could take in that respect.

Mr. Andrew Turner (Isle of Wight) (Con): Will the hon. Gentleman give way?

Mr. Foster: I will happily give way, but I do want to be quick.

Mr. Turner: This problem does not affect the Isle of Wight yet, I am pleased to say. If people on the Isle of Wight—or, for that matter, anywhere else—have their own businesses, they keep the money on the island and it circulates on the island.

Mr. Foster: Indeed.

My third concern is that council publications, as we heard, are accepting private advertising. For instance, 90 per cent. of the publications of local councils in London already accept or already contain private advertising, so there is real cause for concern.

The newspaper industry is arguing, rightly, that councils should be running core services, not newspapers, and certainly should not be producing propaganda. They should not be using council tax payers' money for that purpose. The industry is concerned about local and regional newspapers being undermined by such organs taking advertising, and so on.

It is interesting to hear what each newspaper thinks. I hope that hon. Members will forgive me for referring to my own local paper. The editor of that paper wrote to me only today saying:

> "The aim of any local newspaper is to provide unbiased, balanced news. If we don't provide it they won't buy us. The local council meanwhile is there to provide services for residents. But if they don't provide them, then who will let people know? It is certainly not the in-house council newspaper.
>
> Local councils have a right, and indeed a duty, to inform their residents about what they are up to. However, without balance and independence, council newspapers can be seen as, at best, biased products and at worst simple propaganda. And that is why local newspapers are so vital for local democracy for giving people all the facts without the prejudice.
>
> As a newspaper we can reflect the good things that local councils get up to—and we do so, far more than we are often given credit for. But we can also be there to represent local people who don't feel they have been well served and want their voices heard."

The editor continues in a similar vein.

There are arguments on both sides. There is an argument that says that councils have a duty to provide information and so on, but equally there are concerns that we have got into a situation in which there is unfair competition that is damaging what my hon. Friend the Member for Sutton and Cheam calls the lifeblood of local democracy.

What can we do? First, councils should be able to find ways of working more effectively with their local newspapers. They could take out longer-term advertising contracts. They could run long-term campaigns in their local press. They could distribute their product alongside the local newspaper, sharing the distribution costs. We could also be looking, as the Government already are, at the local authority publicity code to see whether we can firm that up.

The Government are doing that; they have 300 responses in. We await the outcome, which I hope will include council papers being required to concentrate on relevant local council information, not on general local news, and certainly not on sudokus. We should also reduce the frequency with which they are published. It is ludicrous to have cases such as those in Tower Hamlets, Greenwich, Hammersmith and Fulham, Waltham Forest and elsewhere that we heard from my hon. Friend the Member for Sutton and Cheam. Those are the things that could be looked at. Codes are one thing, but what we need is real action. My biggest worry is that when the Government requested the independent bodies to look at the competition issues, they refused. We now have a situation in which they are looking only at whether the council papers provide value for money, and that is not good enough. It is absolutely crucial that the Office of Fair Trading now carry out an investigation into the competition issue.

3.40 pm

Mr. Edward Vaizey (Wantage) (Con): I am grateful for the opportunity to speak under your chairmanship for the first time, Mrs. Dean. I congratulate the hon. Member for Sutton and Cheam (Mr. Burstow) on calling this excellent and important debate. As the hon. Member for Hayes and Harlington (John McDonnell) indicated, this is the fourth time that I have participated in a debate on the future of local and regional news, and we may even have debated the matter on five or six occasions in the past two years. That is a reflection of not only the importance of the issue, but the keenness of hon. Members to suck up to their local newspaper editors to improve their local coverage. I sucked up like mad before the expenses scandal and a lot of good it did me—I can tell Members—with my local press.

It is important to start the debate from first principles. We are debating the importance of local unbiased news and of investigative reporting. To an extent, I take the remarks of people such as the editor of *The Bath Chronicle* with a pinch of salt. I am not sure that most newspaper editors would say that it was their job to provide unbiased reporting. There is a tendency in these debates to pretend that all our local newspaper editors are somehow the local version of Woodward and Bernstein, constantly uncovering corruption in high places. The business of a local newspaper editor is to sell the local newspaper, and local newspapers as much as national ones can distort or sensationalise the news to attract readers.

It is also important to put the situation in context. As the excellent note from the Newspaper Society that has been circulated to Members participating in the debate, points out:

> "It would…be wrong to paint a picture of an industry in crisis".

[Mr. Edward Vaizey]

Many of the titles that have closed are free weeklies in a competitive local marketplace, and there is still a plethora of news sources, not only the 1,300 regional newspapers that have been referred to, but the 159 community radio stations, the success and vibrancy of which over the past five or six years the Minister and I were debating only yesterday in Committee, and of course BBC local news and websites and commercial local radio. Such is the proximity to power that the Conservatives now have that I have started to receive the Goldman Sachs media and telecoms daily update, and in between counting its humungous bonuses, Goldman Sachs has found time to put a buy note on Johnston Press and Trinity Mirror, which perhaps indicates that those news organisations are healthier than we had perceived.

We also have to acknowledge that technology is changing, with blogs and so on beginning to fill a back gap. On "The Westminster Hour", an excellent programme that goes out on Radio 4 on Sunday evenings at 10 o'clock with some of the most talented hon. Members participating, I heard a report from John Beasley about a group in Lichfield that was holding its excellent local Member, my hon. Friend the Member for Lichfield (Michael Fabricant), to account, although there is not much to hold him to account for apart from the excellence of his service. Local blogs and so on are therefore coming out; there is a technology revolution.

The hon. Member for Ealing, Acton and Shepherd's Bush (Mr. Slaughter) and I have jousted before on local newspapers, and he has even had the temerity to refer to my contradicting him as somehow being churlish. I am sure that he would agree, if he were able to just step outside of himself for one minute and look objectively, that it is hard to take his remarks seriously, knowing that he was the local council leader who created *HFM*. That was a local glossy free magazine put out by the council; I have a picture of one of its covers here. The titles are "Cross Roads: Lollipop John waves goodbye", with a picture of a nice lollipop man, "What's on", "News", "My Borough", "Interviews" and "Letters". There is nothing to say that it is from the council. The only difference between the hon. Gentleman's publication and *H&F News* is that his, because it was put out by a Labour council, lost £400,000 a year. The current publication put out by a Conservative council costs the council tax payer absolutely nothing. What else upsets me about the hypocrisy of some Members is that Labour Members voted themselves—

Several hon. Members *rose*—

Mr. Vaizey: I think that that will appear as "interruption" in *Hansard*. Labour Members voted themselves a £10,000 communications allowance, and I hope that the hon. Gentleman will now pledge to use that allowance to take a page in *H&F News*, which goes out free to every resident.

Mr. Slaughter: I promise to not hurt the hon. Gentleman's feelings on this occasion, but I must defend the integrity of lollipop persons across London. I really thought that the hon. Gentleman was getting it at last—I sound like the right hon. Member for Witney (Mr. Cameron) now. There is a difference between council publications that are clearly council publications, giving lots of tedious but useful information to people in a non-political way, and what we now get which are things masquerading as independent newspapers. I think that the hon. Gentleman understands that, and if he wants to address that issue I am sure that we would all like to hear him.

Mr. Vaizey: I certainly shall. As I said, the Conservatives have pledged to abolish the communications allowance. I am a huge admirer of the hon. Member for Sittingbourne and Sheppey (Derek Wyatt) and regret deeply his retirement, but it was astonishing to hear that his own website paid for by the taxpayer is now beginning to put local newspapers out of business.

Derek Wyatt: I wish that it was paid for by the taxpayer.

Mr. Vaizey: Ah, I stand corrected. Let me get on to the substance of what I wanted to say. First, there is another element of hypocrisy that concerns me. We have talked about the code of conduct for publicity in local councils. Let us not forget that it was this Government in 2001 who relaxed that code and allowed councils to cover issues that—

Mr. Pelling *rose*—

Mr. Vaizey: I am afraid that I cannot take any more interventions, even from one of our most eminent independent Members. *[Interruption.]* Or is it UKIP? I cannot remember. The Government allowed local councils to cover issues that were not their core responsibility. The hon. Member for Bath (Mr. Foster), in a typically polite Liberal Democrat fashion, gave the impression that the Government are on top of the issue. In fact, they announced a review of the code in December 2008, and the consultation closed in March 2009. We were promised the Government's response in December 2009 and then on 7 January, but it still has not appeared. The Government are dithering, and we cannot go on like this; they must come out and say what they are going to do. We do not support independently-funded news consortiums, as that is the Government simply recreating the old analogue system of regional news that nobody wants anymore, particularly in this internet age, nor do we support the Government's proposals to top-slice and undermine the independence of the BBC. We will protect the BBC from the Government, and work day and night to protect its independence from people such as the Minister.

What do we intend to do? Many Tory councils are already leading the way. Lancashire Tory council has closed down its newspaper. The hon. Member for Ealing, Acton and Shepherd's Bush will, of course, want to praise Mayor Boris Johnson for closing down *The Londoner*, as he wrote all the time to Ken Livingstone to tell him that he was wasting £3 million of council tax payers' money.

Several hon. Members *rose*—

Mr. Vaizey: I will not give way. We intend to review the local authority code and tighten it up. We also have campaigned rigorously for the relaxation of cross-media ownership rules, to allow media companies to build up across different platforms—newspaper, web, radio and local TV. We welcomed the announcement in November that Ofcom will recommend that relaxation, and we would support that in the Digital Economy Bill.

I am working up to our exciting proposals for a network of ultra-local television. That is what I call leadership. We have out for consultation Roger Parry's document "Creating Viable, Local Multi-media Companies in the UK", and I advise the Minister, who does not have a policy on that issue, to respond to that consultation, because he is clearly unable to publish the conclusions to his own. That proposal would put in place a network of 81 local television stations, combined with newspaper, web and radio, and provide the ultra-local news and accountability that local communities desperately need.

3.49 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Siôn Simon): It is a tremendous pleasure, Mrs. Dean, to serve under your chairmanship again. I congratulate the hon. Member for Sutton and Cheam (Mr. Burstow) on securing this debate, which has been widely attended and intelligently and cogently argued.

I shall begin with a jocular remark. I will then reply to points raised during the debate. I shall also take interventions from Members who have not already intervened. If I have any time left—

Bob Spink (Castle Point) (Ind): So that the hon. Member for Wantage (Mr. Vaizey), who speaks for the Tories, cannot be accused of hypocrisy, may I ask him to have a word with the local Tory-controlled council in my borough? It publishes a newspaper at public expense but refuses to give the contact details of the local MP. How political can it get?

Mr. Simon: That sounds like political abuse of the existing code, and I am sure that Members on all sides of the House, including the hon. Member for Wantage, would deprecate it.

Mr. Slaughter: The hon. Member for Castle Point is lucky that I am not doing the four Yorkshiremen skit.

My name is prohibited from appearing in the *Hammersmith and Fulham News*, even though, as the House will have heard, my opponent, a prospective parliamentary candidate, gets half a page to himself. However, I agree with the hon. Member for Wantage (Mr. Vaizey). I would like to praise Boris Johnson for cancelling *The Londoner*, but I do not need to because he is on the front of the *Hammersmith and Fulham News*, with a number of other Tory politicians appearing inside.

Mr. Simon: It is fair to say that everyone understands why my hon. Friend the Member for Ealing, Acton and Shepherd's Bush (Mr. Slaughter) is unhappy.

I want quickly to get on with my jocular remark—although it may not be good enough to stand up to all this waiting. The hon. Member for Wantage talked about sucking up to local newspaper editors. Last week, in a debate on the Video Recordings Bill, he was extravagantly sucking up to Matthew Parris. This afternoon, he was sucking up to Polly Toynbee. I take the opportunity to salute Alan Watkins, the greatest living newspaper columnist, and to recommend his book "Brief Lives", which is a masterpiece on the art of column writing. [HON. MEMBERS: "What about the jocular comment?"] That is what passes for humour when I am on my feet.

To a large extent, the debate has been more about the rights and wrongs and abuses of council free sheets.

Mr. Redwood: I wonder whether the Minister is practising for jobs other than that of comedian, as he might need some other skills.

Mr. Simon: I shall take the right hon. Gentleman's remark on the chin, with thanks.

The debate has tended to be about council free sheets rather than local newspapers and the tremendous pressures that they are under. The tendency has been to assume that free sheets constitute a serious pressure on commercial local newspapers. We clearly do not know to what extent that is the case. We do not know exactly how many, but 60-something council free sheets are taking paid advertising out of a total of 420 local authority newspaper areas. However, we do not have good evidence to show the prevalence of the practice.

Mr. Burstow: That is the key point that I wanted to make today—we do not yet have a robust evidence base to allow us to be clear about the matter. There is plenty of anecdotal and other evidence of the sort that I mentioned earlier, and it makes a compelling case, but surely the Office of Fair Trading should consider the competition matters, as the Audit Commission will clearly not do so.

Mr. Simon: It has taken a while, but we are told that the Audit Commission is about to reach a conclusion on what has turned out to be a relatively constrained set of issues. Once we have those conclusions, the next step will be to present that information to the Office of Fair Trading and ask it, perhaps with Ofcom, to consider the question of competition and the potential impact on the paid-for newspaper market.

Mr. Vaizey: Will the Minister let us know when his colleagues in the Department for Communities and Local Government are to publish their proposals to revise the local authority code on publicity?

Mr. Simon: We now change subject to the local authority code. I am told that the Department's conclusions on the code are to be published imminently.

Mr. Andrew Turner: One point has not been raised. It is argued that we should keep profits locally, rather than nationally—across the width of the country—but it troubles me that more and more newspapers are being bought up nationally rather than by local people, yet it is the local people who should benefit most.

Mr. Simon: I understand the hon. Gentleman's point. One hopes that over time there will continue to be a blend between locally and nationally owned local newspapers. As the hon. Member for Maldon and East Chelmsford (Mr. Whittingdale) told us, Claire Enders says that the market will shrink by half. Any papers that exist in that market, whatever their ownership structure, can be considered a democratic good in the local community. For the moment, we will have to settle for that.

My hon. Friend the Member for Ealing, Acton and Shepherd's Bush was right to raise the question of free papers potentially having their context changed as commercially owned papers go free. It will change the landscape. The hon. Member for Croydon, Central

[Mr. Simon]

(Mr. Pelling) referred to a local authority newspaper that was costing some £700,000 a year. Given such sums, I shall be astonished if Trinity Mirror or any other commercial operator in this hard-pressed sector will invest for long at those prices.

Mr. Pelling: I said that it was costing £20,000 a month, which is about £250,000 a year. However, the total communications spend is £2 million.

Mr. Simon: I give way to my hon. Friend the Member for Ealing, Acton and Shepherd's Bush.

Mr. Slaughter: I said that the disclosed cost was £750,000. I entirely agree with my hon. Friend the Minister that Trinity Mirror is taking a bold step. We will see how deep its pockets are when it comes up against state-subsidised competition that is completely bankrolled by the taxpayer. Does my hon. Friend not see that there is a role for the Government here? As I said earlier, we cannot rely on commercial companies to compete with people who are bankrolled by the taxpayer. What will the Government do about it?

Mr. Simon: As I said, the DCLG will imminently report its views on the matter.

There is another side of the coin, which is not represented by my Department and may not find great favour in the Chamber. However, it is important that councils communicate with their citizens—good information is vital—and that they do so in a way that represents good value for the taxpayer. The arguments that my hon. Friend the Member for Ealing, Acton and Shepherd's Bush makes against propaganda are unanswerable. It is for the DCLG, in its revision of the code, to come up with convincing answers. However, it might be that the code needs not to be revised but adhered to.

Mr. Burstow: On the point about value for money, does the Minister not agree that it would make sense for local authorities to be required to publish in a clear form all information about the costs incurred in the production of local authority publications and newspapers, so that people can see much more clearly whether the expenditure gives value for money.

Mr. Simon: That is something for DCLG Ministers to answer. They received 300 responses to the consultation, and they will reply imminently.

My hon. Friend the Member for Hayes and Harlington (John McDonnell) spoke about a timetable for independently funded news consortiums. This morning, we announced eight successful bids for the three pilots. We intend to stick to our timetable. We will have reached a preferred bidder status in each of the pilot areas by March. It will be clear before the election who is to run the independently funded news consortiums in the English, Scottish and Welsh areas.

Mrs. Janet Dean (in the Chair): Order. The debate is concluded, but there is a Division in the main Chamber. The sitting will be suspended for about 15 minutes if there is one Division, and 25 minutes if there are two.

4 pm

Sitting suspended for a Division in the House.

Back to Work Initiative (Wales)

4.18 pm

Chris Ruane (Vale of Clwyd) (Lab): In the past 13 years, the number of people employed in the Vale of Clwyd, my constituency, has gone from 23,000 in 1997 to 29,000 today. That is the fifth biggest increase in the number of people employed in a constituency among the 40 parliamentary seats in Wales. Five of the top six biggest increases are in north Wales constituencies, which is something that I am very proud about.

The St. Asaph business park in my constituency, which was built by the previous Conservative Government at a cost of £11 million, was empty for 10 years. There are now 3,500 jobs on that business park. The Labour Government have applied for objective 1 funding, which was granted in 2000. The previous Conservative Government did not even apply.

The issue is not the total number of jobs in my constituency but their distribution, especially in poorer areas. In 2002, I asked for the unemployment statistics for my county of Denbighshire. There are 32 wards in Denbighshire. Most unemployment was concentrated in two wards: the south-west ward of Rhyl, the council estate ward in which I was born and brought up, and the west ward of Rhyl.

I thought that was unfair, so I asked the professionals what joint action was being taken to counteract unemployment. Organisations were working in silos, and few were working together, so I formed an unemployment group in 2002. Initially, I asked about 20 agencies to join, including representatives from the Department for Work and Pensions, the careers service, the local college, the economic regeneration team, the local education authority, the health service, the police and the probation service, as well as one individual I would particularly like to mention: Gareth Matthews, who then worked for Working Links. I believe that he is one of the finest practitioners of the back to work agenda in the whole country.

Meetings were convened about four times a year. We set our minds to improving work opportunities in those two wards. We met and made progress for three years, but the catalyst for the group was the DWP's announcement that it would form city strategy pilots across 15 UK cities, including bigger cities such as Birmingham and Glasgow. I approached the then Minister—now the Secretary of State for Scotland—and asked him whether Rhyl could become a pilot city, even though it is a Welsh town of only 27,000 people. I asked that we be considered for the seaside pilot for the back to work agenda in 50 traditional UK seaside towns.

The Minister listened, and we did some further lobbying with the then Minister of State—now Minister of State, Department for Culture, Media and Sport—my right hon. Friend the Member for Barking (Margaret Hodge). She summed up the problem with the back to work agenda by discussing her visit to Glasgow, where she learned that 200 different organisations were working, some in isolation and others in competition, to get people back to work.

That crystallised for me what we needed to do in my constituency and my home town of Rhyl, which suffered from so much unemployment. We needed to ensure that everyone involved in the back to work agenda was fully apprised of what others were doing. Where there was scope for joint working and co-operation, it should be flagged up at an early stage. Competition should be minimised, co-operation maximised and ignorance eliminated. The Minister of State listened carefully to our request, and we were made a city strategy pilot.

One of the first tasks that the Rhyl city strategy faced involved governance arrangements. We did not want to become an arm of the county council; we wanted flexibility and the ability to respond rapidly to the issues facing us. We decided to set up a community interest company. I believe that of the 15 pilot areas in the UK, we are the only one with a CIC. It was proposed by Ian Eldred, the head at the time of Clwyd Leisure, another CIC.

With city strategy status came additional funding allowing the employment of key personnel who professionalised our approach to unemployment in Rhyl. They include Ali Thomas, the inspirational local manager of Rhyl city strategy, and Julia Cain, whose lateral thinking on employment has led to engagements for ex-offenders caring for bees in an apiary. I will come to that later. Other initiatives developed local butchers and fishmongers in Rhyl. Those two officers were ably helped by Jennie Walker and Suzanne Jeffrey.

Two projects illustrate our success. The funding administered by the RCS comes from a variety of sources. The biggest source is the DWP through deprived area funding and specific grants made to the Rhyl city strategy. The Welsh Assembly Government have also stepped up to the mark. Their Department for Children, Education, Lifelong Learning and Skills provides big chunks of funding for basic skills.

The funding is critical to raising the skill profiles of local workers, many of whom face multiple barriers, including low literacy and numeracy, drug and alcohol problems and low self-esteem and confidence. I pay tribute to DCELLS officer Ian Williams, a key member of the city strategy team who has secured much-needed funding for our projects. The core funding is often supplemented by other agencies and bodies, sometimes in the form of gifts in kind and staffing contributions.

One project is the Dewi Sant centre, which I have mentioned. It is run by a chap called Geoff Bainbridge, who works with ex-offenders, many of whom have multiple problems. One initiative that he has come up with to engage them is an apiary on the outskirts of Rhyl where ex-offenders look after bees and develop allotments.

Another is Football in the Community, run by Jamie Digwood and Tracey Jones at Rhyl football club. They use sport as a means of engaging unemployed people by training and employing young people in the Rhyl area as football coaches. The workers then go out into the community and on to council estates to engage young people and keep them fit, healthy and on the straight and narrow. It is an excellent project. Ministers and TV crews have come from as far away as Ireland, Scotland and England to see what we are doing at Rhyl football club. The work is inspirational.

The project with perhaps the most visitors is the Rhyl youth action group at the Hub. The project is led by Shane Owen, a grass-roots professional who is setting the pace for youth engagement in the UK. The project is located in the heart of the most deprived ward in Wales

[Chris Ruane]

and works with young people, providing accommodation above the project, youth club facilities, access to top-of-the-range computers and a retail training unit.

The facilities act as a honey pot for young people in the area, and the project has 1,000 people on its books. The key to its success is that in the same building are most of the professionals who deal with the back to work agenda in Rhyl, including Llandrillo college, the Rathbone Society, Remploy, Want 2 Work, Serco, Working Links, the Anti-Poverty Network and Mentrau Iaith. More office accommodation is being built as we speak.

Those organisations pay rent to the Hub, which means that within 18 months, that youth facility in the heart of the community will be self-sufficient. In return, the organisations have access to 1,000 young people in the same building as their offices. Synergies between organisations are enhanced by the fact that they are in the same building. Again, everyone is a winner because of the level of co-operation.

I want to mention two groups: Serco and the Wales Council for Voluntary Action. Serco is a private sector back to work organisation that is leading the way. It has established an outpost in Rhyl. In the heart of that poor community, it employs 14 local people and hopes to increase the number to 28. The employees work in a refurbished building in Edward Henry street in Rhyl. The WCVA's national office is in Rhyl. It took some of its functions from Cardiff and located them in Rhyl, in Morfa hall.

As a consequence of the investment by those two prestigious organisations, other organisations are following suit by investing in the town and employing local people. I pay tribute to Dafydd Williams of the WCVA for the investment, the work he does and the role he plays in the future jobs fund and the Rhyl city strategy.

Jobs are provided by the private sector. I highlight the work that Tesco has promised to do in my constituency, where it intends to open two stores, one in Prestatyn and one in Denbigh. Asda hopes to open a store in the west ward of Rhyl. I wrote to Tesco to ask if it would participate in our national-local employment partnership project at 50 per cent., meaning that when the stores open, 50 per cent. of the people employed there will have come off the unemployment register. Tesco has agreed. That could make a huge difference: 1,000 people employed and 500 of them off the register. I thank Tesco for that and hope that Asda follows suit.

One novel project—please pardon the pun—is the initiative of the author David Hughes, who grew up on the same council estate as me and wrote a book about his experience. He is now turning it into a film using children and young people from the council estate as extras. He will teach them the media skills needed to make the film.

Pobl@Gwaith is an existing initiative that the Rhyl city strategy has helped. It is run by Clwyd and Alyn housing association, under the Pennaf banner and is one of the best unemployment projects I have come across. It runs on a shoestring, but its impact on the community and the unemployed is massive. It is headed by Rukhsana Nugent, who is inspirational. She works with clients, some of whom have been unemployed for more than 20 years. They include ex-offenders and people with alcohol or drug issues. To date, 115 clients have been on her course and she has found employment in the care sector for 92. The key to her success is that she takes a direct and personal interest in each and every attendee. She manages the scheme and delivers the courses. Her clients are taught health and safety theory, diversity, self-respect and communication skills.

The key to the scheme's success is that clients have meaningful work placements, for which they receive a pay packet at the end of the week. Many of the placements are with Clwyd and Alyn housing association, which used to spend tens of thousands of pounds on recruitment and now uses that money for Pobl@Gwaith. It spots the best workers and employs them itself. That is a win-win-win situation.

I ask the Minister to reflect on the benefits of that excellent initiative and the difference it has made to at least 100 people in my community. It has given each of those people back their pride, belonging and sense of self-worth. The state has also benefited because instead of those people being unemployed, they are employed and paying taxes.

The police and the probation service have played a big role in the success of the Rhyl city strategy. I highlight the work of the divisional commander for Conwy and Denbighshire, Rob Kirman, and Steve Ray from the probation service. Both have enlightened viewpoints on the role of employment in their fields of policing and court issues. Both realise that meaningful work and training are the key to an inclusive society. I believe our success has resulted in Denbighshire being the third best crime and disorder reduction partnership of all 360 in England and Wales.

Rob Kirman came up with the idea of having unemployment advisers in custody suites. I asked the Minister to monitor the progress of that idea. The adviser will literally have a captive audience. Many people are in the custody suite for 10 to 15 hours, and they have certain issues. An adviser will be there to give advice on health, drugs, alcohol, basic skills and employment.

None of the schemes would have been successful without Rhyl college. The local community college is key to many of the successes. It offers top-class training to the many community initiatives. The principal, Celia Jones, is a passionate believer in community education and open access. She has built on the success of previous principals, Irene Norman and Jerry Jenson, and the college has just won a merit award for open access in the UK further education beacon awards. The college is going from strength to strength.

Rhyl city strategy has not rested on its laurels. It has scanned the skies for new DWP national initiatives and applied to be part of them. In the past three months, it has been successful in bidding for the future jobs fund. It has received £2.4 million to put 340 young people between the ages of 18 and 25 back to work. There is a £1 billion national investment. Such young people will not be left on the margins, as happened in previous recessions. The offer of a job and training will ensure that they have the skills, self-confidence and work record to access long-term employment when the upturn in the economy comes later this year.

The future jobs fund has also been taken up by the Wales Council for Voluntary Service and BTCV, which will supply additional placements for unemployed young people in my constituency. The majority of those young people will be employed in environmental projects. The primary concern of my constituents is the quality and feel of our local environment, in particular the built environment. The impact of 200 young people planting trees and flowerbeds, putting up hanging baskets, laying hedges and cleaning up derelict land and grot spots will be enormous. It makes so much sense.

In conclusion, I shall summarise why we have a unique winning formula for the back to work agenda in Rhyl. The first reason is the national leadership of the Government, who believe that long-term unemployment in specific communities must be addressed. I am thankful for national initiatives, such as the city strategy, "Fit for Work" and the future jobs fund. A hands-off, laissez-faire, unemployment-is-a-price-worth-paying attitude will not help the communities I represent.

Secondly, I believe our success is to do with partnership at strategic and grass-roots level. There is partnership between the public, private and voluntary sectors and between all levels of government, including local government, the Welsh Assembly Government, the UK Government and—dare I say it—the EU, through objective 1 funding. There is a partnership in which ideas, initiatives and funding are shared.

Thirdly, the agencies delivering the services are located in the heart of the communities they serve, not tucked away on a leafy business park discussing theory. Fourthly, our unique governance arrangement as a community interest company has given us the flexibility and independence to achieve results.

The Minister has been to see many of the projects in my constituency, as has the Secretary of State for Wales. Will the Minister relay my request to the Secretary of State for Work and Pensions to visit my constituency, look at our successful initiatives and spread such best practice throughout the UK?

4.37 pm

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): I congratulate my hon. Friend the Member for Vale of Clwyd (Chris Ruane) on securing this debate and on his tremendous and assiduous work on behalf of his constituents to tackle one of the main concerns of this Government, namely unemployment.

The Rhyl city strategy is an extremely good example of the best possible practice. My hon. Friend outlined the partnerships that are in place. He has done great work in pulling people together and providing coherent local leadership. He stressed the co-operation between the local college, Serco, the Wales Council for Voluntary Action, the private sector, Tesco and voluntary organisations. Such partnership undoubtedly produces effective results.

As my hon. Friend said, I have had the privilege of visiting the Rhyl city strategy and seeing the good work for myself, as has the Secretary of State for Wales. I join him in paying tribute to Gareth Matthews and all his staff for their enthusiasm and the strong leadership they have provided for the local community.

My hon. Friend mentioned a number of extremely successful initiatives linked to the Rhyl city strategy. He mentioned the successful future jobs fund bid, which will help to create 340 jobs, principally for young people in the local community. He has described a microcosm of the best possible practice. It would be good to replicate that good practice as much as possible and the Government are seeking to do that.

This debate is about the efforts being made to tackle unemployment. Although my hon. Friend has focused on his constituency, I am sure he would agree that the measures he has mentioned can be successful only with a proactive Government who intervene effectively. As the Prime Minister said today, the Government must not stand on the sidelines, but adopt policies and strategies that are about involvement, engagement and stimulating the local community.

We can point to the great success of the new deal. In Wales alone, the new deal has so far helped more than 120,000 people into work and more than 55,000 of those were young people, who are especially important because we are determined not to have a lost generation. We are doing everything that is humanly possible to get young people in particular back into work. We can also point to the future jobs fund in a more general sense. Some £1 billion investment will create 170,000 new jobs throughout the United Kingdom. Again, that will focus on young people.

The co-operation to which my hon. Friend has referred is in evidence in a whole raft of local organisations, but also, significantly, in relation to the Welsh Assembly Government. The good partnership arrangements that are in place between the Welsh Assembly Government and Jobcentre Plus are certainly delivering for the people who need that support—for example, there is the £32 million Want2Work package. So far, that has helped some 2,500 people back into work in Wales and has given added value to the work that has already been conducted by Jobcentre Plus.

We can also talk about the ReAct programme, which is, again, a Welsh Assembly Government initiative. That has helped 129 people in Denbighshire to start training to improve their skills and has assisted them to return to work quickly. Similarly, we can talk about the extra £20 million that has been allocated by the Welsh Assembly Government to tackle youth unemployment in Wales. All of those measures are extremely important and they are all big macro-national initiatives. What gives them added value is how they are put to effective good use. My hon. Friend has given us a clear and graphic example of the kind of co-operation that can produce concrete results.

I conclude by saying that, as I said, I am hoping to see the excellent work that is being done in Rhyl, and we will continue to give our support to the excellent initiatives that are taking place. I would also like to make the point that there is a clear political divide between the sort of measures that have been outlined by my hon. Friend and I, and the alternative that is available and on offer. We experienced that alternative in Wales during the dark years of the 1980s and 1990s, when mass unemployment became endemic and a hallmark of Wales. We must judge the successful measures that are taking place against that backdrop.

The last thing the people of Rhyl, the people of Wales or the people of Britain want to see is the clock being turned back to the bad old days of long-term mass unemployment and a whole generation of young people being cast to one side and forgotten. As we move closer to a general election, which I believe will be in the not too distant future, it is very important that people

[Mr. Wayne David]

realise the active work that is taking place, the good work that is being promised and the clear choice that is before us and the people of Britain.

Mrs. Janet Dean (in the Chair): We now move on to the next debate, which is on the supervision and regulation of the IBM pension scheme. I inform hon. Members that the debate will finish at 5.19 pm.

IBM Pension Scheme

4.43 pm

Sandra Gidley (Romsey) (LD): I am delighted to have the opportunity to raise this matter today. Given the number of hon. Members in the room for a short debate, it is a pity that we could not have had a longer one. I have received representations from the hon. Members for Isle of Wight (Mr. Turner), for Croydon, Central (Mr. Pelling) and my hon. Friend the Member for Solihull (Lorely Burt), who have expressed support for what I am about to say.

Many other hon. Members and I have received large numbers of representations as a result of IBM's proposed changes to one of its pension schemes. The proposals have particularly impacted on workers in their 50s, who had carefully planned their retirement. Many of those employees feel aggrieved on two levels. First, they feel let down by IBM, which made certain promises about pensions a few years ago and is using the changes to force workers to retire earlier than planned. Secondly, they feel aggrieved that the Government's pension law does not provide them with sufficient protections.

It might be helpful to the Minister if I provide a little background. In 2003-04, many IBMers with a final salary scheme agreed to increase their pensions contributions by 50 per cent. There was much unhappiness about having to do that because the company had taken a pensions holiday for several years and also took funds from the final salary plan to fund the new defined contributions plan. In 2006, further changes were made to the defined benefit plan and there was a clear attempt to move workers to an enhanced defined contributions plan. Workers who did not transfer were effectively punished because they were told that only 67 per cent. of future salary increases would count towards the pension. That makes something of a mockery of the fact that it was supposed to be a final salary plan.

Although there was some unhappiness, the company ultimately managed to sell the scheme by promising that funding would be available until 2014 and that there would be no further changes until that date. Let us fast forward three years to 2009, when, seemingly out of the blue, IBM announced further changes. Employees were understandably unhappy that IBM proposed to close the final salary scheme, although there has been an acknowledgement from some that that is the way many company pension schemes are going.

There was also concern about the timing of the consultation, which was over the summer holiday period when many people were taking a break, and there was a feeling that the consultation period should have been extended. In the annual report from the pensions trustee, the trustee stated

> "The trustee feels that the Company has not lived up to the Trustee's expectations"

in asking to change the plan and the scheme so soon after the changes made in July 2006. That is quite a telling and unusual statement. Unfortunately, to add insult to injury, IBM made some hard-hitting changes to the early retirement terms and conditions and that has had a significant impact on workers who had planned to retire over the next few years. The scheme was that any employee retiring early would have 3 per cent. deducted from the pension for each year they are under the age of 60. That effectively compensates for the fact that a person will be receiving a pension for a longer period of time. For example, someone retiring at 54 with an estimated pension of £20,000 would have it reduced by 18 per cent. to £16,400.

The changes effective from April mean the discount is calculated differently. The calculation is now based on age before 63, with a market reduction that is estimated to be 6 to 7 per cent. So if we assume a 6 per cent. rate, the reduction in the above example would be 54 per cent., giving a pension of only £9,200. As one constituent put it to me:

> "They are effectively stealing £7,200 every year for the rest of your life".

Much of the correspondence received has been rather emotive, for example:

> "In short, IBM is a very wealthy and very successful company, even in the midst of the credit crunch. It's not a question of IBM not being able to afford to fund its pension scheme, it's a matter of IBM, choosing instead to give the 'saved' money to its shareholders."

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): Does the hon. Lady agree that constituents such as mine, who are now having to retire as a consequence of the new orders that have been put in place, feel themselves immediately aggrieved about the proposals made by this company?

Sandra Gidley: Very much so. They will lose out, as I will go on to explain.

Mr. Lindsay Hoyle (Chorley) (Lab): Obviously the matter is important; a lot of constituents have been affected by the closure of this pension scheme. Does the hon. Lady agree that this is intimidation and bullying by a very wealthy company that is taking advantage of its employees? People are being forced out and we need to do more to protect them.

Sandra Gidley: People very much feel forced out and what is happening has been described as redundancy by stealth.

Chris Huhne (Eastleigh) (LD): I would like to reinforce the point for the Minister. When my hon. Friend, other hon. Members and I met the chief executive of IBM UK to discuss these matters, we pressed him on whether there was any reason why the finances of the company meant it needed to act in such a way. The chief executive was unable to give any comparative data during that meeting to show why the company was under particular stress, nor did he provide any subsequent data. Frankly, if we consider that IBM made record profits in 2008, that tells me that it has no reason for reneging on the obligations it has undertaken.

Sandra Gidley: My hon. Friend has saved me from having to read out part of my speech later. Certainly, we were all appalled that so little explanation had been given.

David Cairns (Inverclyde) (Lab): Is the hon. Lady aware that more than 70 people in IBM Greenock have been forced out the door by this shoddy move? At a time when we are encouraging long-term thinking in business, the loss of such highly experienced and excellent people will have a detrimental impact on IBM. Perhaps that is connected with yesterday's announcement that the chief executive who made these decisions has gone.

Sandra Gidley: I think that the chief executive has been promoted, but more than 800 people nationwide are affected.

Stephen Pound (Ealing, North) (Lab): On the subject of chief executives, Sam Palmisano, the chief executive of IBM in America has just seen his pension increase by $20 million to $40 million. Does the hon. Lady not find that difficult to justify?

Sandra Gidley: Yes, of course. Brendan Riley is part of a different pension scheme, and his pension will be intact when he moves on to his new job.

Ms Katy Clark (North Ayrshire and Arran) (Lab): I hope that the hon. Lady understands that the number of interventions shows the anger in the country on the issue and from IBM employees. Does she agree with me that IBM's treatment of its employees is severely affecting its reputation?

Sandra Gidley: I very much agree. People will think twice about whether they want to work for a company that treats its employees so shoddily.

Mr. Jim Cunningham (Coventry, South) (Lab): There is something more fundamental to the matter—I declare an interest, as I know someone who works for IBM—because many such pension schemes, when we look at their origins, are subject to wage negotiations, and it is the over-50s in particular who will be hard hurt by that. For example, sometimes pensions were negotiated to offset a wage increase and additional holidays. The concern is far more fundamental, and if there was ever a group of people entitled to get their full pension without changes, it is that group of workers.

Sandra Gidley *rose*—

Mark Hunter (Cheadle) (LD): On that point, it is not just the over-50s who are affected. Several people in my constituency are affected, and I would like to quote briefly from an e-mail I received from one gentleman:

> "As I will not be 50 by next April, I have no option to take early retirement now and avoid the worst impact of these changes from April 2011. My biggest concerns are therefore that...IBM is not only closing its Direct Benefit pension plan, as are many other UK companies, it is also taking the more dramatic step of massively increasing the penalties for early retirement",

a point to which my hon. Friend has referred. My constituent continued:

> "This will have a devastating impact on my future pension",

as it will for people like him. Does she agree that that is a shabby way to treat loyal and dedicated employees?

Sandra Gidley: Yes, I do. In some respects, the fact that IBM has so many employees who have stayed with it loyally is testimony to the sort of employer it had been. Those employees have now reached their 50s and do not feel that they have been treated well after the time, investment and professionalism they have devoted to the company.

Jeremy Wright (Rugby and Kenilworth) (Con): I am grateful to the hon. Lady for her generosity in giving way so often. She will know that the pension trustee is taking IBM to court over that. Would it not be more sensible for the company to hold back on the changes until the legal challenge has been determined?

Sandra Gidley: I had planned to make that point later. The company is really riding roughshod through the matter.

Mrs. Maria Miller (Basingstoke) (Con): I reiterate my support for the hon. Lady's comments, particularly on behalf of my constituents who are working for IBM, particularly those who are older, who feel that they have effectively been forced into redundancy by the measures being taken. Does she share my concerns that IBM is unwilling to discuss the details of those constituents' concerns with their local Members of Parliament?

Sandra Gidley: It is very difficult. Some of us had a meeting with IBM, but it was not an easy meeting to obtain and the company was not terribly open. What is almost worse is that its members of staff are gagged from saying anything in the press, so they feel that opportunities to highlight the way they have been treated by IBM, such as this debate, are very useful.

Robert Key (Salisbury) (Con): I am grateful to the hon. Lady, whose constituency neighbours my own—like her, I have many constituents who work for IBM. I share my constituents' anger about that, but I am also very sad. Is she sad that a great company like IBM should have sunk to this? Today I went to its website to check out what it really feels about life by going to the sections "Our values" and "Corporate Social Responsibility". I tried to open the "IBM Corporate Responsibility Report", but it brought up the following message:

> "Our apologies…The page you requested cannot be displayed".

Who is surprised?

Sandra Gidley: Indeed.

I must now try to make some progress. I was referring to the emotive comments that have been made. One constituent has said

> "we feel that the system has let us down, badly. This is our Robert Maxwell moment. We have saved in our pensions for many years, in the belief that our old age would be one to which we could look forward. IBM seems to have the right to rip up a longstanding contract, without redress, and leave our future plans in tatters. IBM is robbing us just as Robert Maxwell robbed his pensioners."

I would like to devote some time to the early retirement discount factors, because that is the issue that has generated the most anger. In effect, it is widely regarded as a means of forcing employees to retire early, with the added bonus that IBM escapes having to put together redundancy packages. I have been sent an e-mail that highlights why the employees feel that they have no choice in the matter. It is from a 53-year-old who had originally planned to retire in two years at the age of 55. If he takes the option to go now, his pension will be reduced by 21 per cent., which is more than it would have been reduced by, but that is the situation. If he waits to retire at 55, as he had planned to do, his pension will be reduced by a massive 48 per cent. Given that the employees stand to take such a large hit, many of them feel that they have no option but to cut their losses and leave. As I mentioned, 800 employees are leaving.

The only change to IBM's original proposals is that, even though the majority of employees will leave by the end of the first quarter of 2010, the company has added a little flexibility to phase the leave over a further one month period. Clearly, that is only in the company's interests, not those of the workers.

Mr. John Redwood (Wokingham) (Con): In the hon. Lady's conversations with IBM, has it produced any reason why it needs to do that, other than saving money, because it seems very oppressive conduct from the point of view of my constituents and hers?

Sandra Gidley: As far as I am aware, it has not given any good reasons, but cited the long-term prosperity of the company. It claims that Britain is poorly performing, compared to other countries, but the company hit all its targets here for making profits, so that is something of a surprise.

Interestingly, the company retains the flexibility to offer a more attractive discount rate. IBM would say that that is so that it can make early retirement decisions on compassionate grounds, but many of the workers have expressed the view that that flexibility could also be used, perhaps in a few years' time, to get rid of another tranche of the company's most loyal and experienced workers. Many of them have expressed regret that the company does not appear to value their lifetime commitment and feel that they should be entitled to a proper redundancy package if the company wants to get rid of them.

The scheme is really rather clever, and there are concerns that other companies might look at how IBM has managed to handle a large number of job losses and that the manipulation of the early retirement discount factors might become a commonplace mechanism for avoiding redundancy payouts. If the Government are serious about workers' rights, I urge the Minister to investigate that aspect of the problem and take steps to ensure that manipulation of pension scheme terms is not used by companies as a way of avoiding redundancy payouts.

The company would claim that it has made some concessions as a result of the consultation, but in reality those are minor when compared to the scale of the changes overall and have no significant impact for employees aged 50 or over.

Unfortunately, it is fairly common to see final salary schemes end. In many cases they are unsustainable in the long term, but a principle of fairness would suggest that employees should be given an opportunity to minimise the impact of any changes. The closer one is to retirement, the more important that is. The manipulation of the early retirement discount factors in no way passes that fairness test. As I have already pointed out, those who are planning to retire in as little as two years' time have been forced into going now to reduce their financial losses. They have simply had no opportunity to try to make good the difference or to phase in to their retirement in a more acceptable way financially.

I have also become aware of another practice that one would not usually expect of a world-class employer: people have been offered pay rises, but only on the condition that they agreed that the pay rise would not be pensionable for the purposes of the defined benefits scheme. If employees disagreed with that condition, they did not receive the pay rise. There are also concerns about manipulation of the performance management system, but I must stick to pensions for the purposes of the debate.

It is not just workers and local MPs who are concerned by the way IBM has manipulated its pensions system. The pension trustee has referred the matter to the courts and IBM has refused to delay implementation of its plans until the outcome of any court case is known. In the light of the pending court case, the Minister may like to respond in principle to the following questions.

It is clear from this case that there is a lack of clarity about the financial implications of the scheme and the factors that have prompted the company to renege on its 2006 promise. Is there not a case for more detailed financial modelling being made available to workers so that changes to such schemes are fully justified and fully understood? Should there not be a principle of no sudden changes, so that when changes to pension plans are necessary, those who are affected have time to take measures to minimise personal financial loss?

Will the Minister look at the manipulation of the early retirement discount factors and reassure herself that they are not being used as a means of avoiding redundancy payments? Will she also examine whether there is an age discrimination aspect to the manipulation of them? It is strange that the company seems to want to get rid of so many of its most skilled workers. Will she consider legislating so that workers are protected from the impact of such sudden changes?

I have received e-mails from IBM employees from all round the country as a result of calling for this debate. Almost without exception, they feel let down by the company to which they have devoted the best years of their life, and they feel that the Government offer them no protection against what they see as bully-boy tactics.

5.1 pm

The Minister for Pensions and the Ageing Society (Angela Eagle): I congratulate the hon. Member for Romsey (Sandra Gidley) on securing this debate. It is clear from the attendance in this Chamber what anxiety and outrage the decisions have caused for right hon. and hon. Members throughout the country, as IBM is a large employer. Many colleagues from both sides of the House are here today precisely to express their worries about what IBM has chosen to do and to pass on the feelings of the constituents whom they represent. Even in this short debate, the outrage and sense of injustice have certainly been communicated.

As the Pensions Minister, I have received several letters about the proposed changes to IBM's pension scheme, so I know that the issue has caused upset, outrage and worry up and down the country. It is always disappointing when an organisation such as IBM decides to close its final salary pension scheme to future accruals. Of course, this remains a matter for IBM to work through with the trustees and employee members of the scheme. It would be inappropriate for me to comment in detail on the case, especially as, as the hon. Member for Romsey pointed out, the trustees are currently going before the court to seek clarification, if I may put it that way, on some aspects, particularly those of early redundancy rights and how they impact on the scheme.

I am not directly privy to the company's specific proposals, and I would not expect to be, but I note that IBM US appears to be pursuing a similar policy. Only IBM can comment on its motivation for making the changes, and I am certainly not about to try to answer for it.

However, I sympathise with the IBM pension scheme members. I understand the anxieties that arise for members when such events occur. As has been hinted at by all hon. Members who have made contributions, however short, to this debate, and particularly by the hon. Member for Romsey, some employees' future financial situations have suddenly changed quite dramatically, and it is clear that they now face difficult choices that they had not anticipated having to face.

The changes that IBM has made to its pension scheme are disappointing but they are for it to defend—I certainly shall not try to do so. I only hope that the IBM board is watching this debate and taking note of the reaction that its decisions have provoked, albeit they have not been expressed directly but indirectly through those in this place who represent the views of constituents.

This Government believe that all workers should have access to workplace pension saving, which is why we continue to make good progress with our plans to introduce automatic enrolment from 2012. Hon. Members may wish to note that the Government published a suite of 10 sets of draft regulations and orders which combine to help deliver pension reform and the national employment savings trust—formerly known as personal accounts—which will be the new low-cost, simple pension scheme for employers to use.

For decades, employers have been moving away from defined benefit to defined contribution schemes. Membership of defined benefit schemes peaked in the 1960s, when I was still at school, and has been in decline ever since, so this is not a new phenomenon.

Chris Huhne: Will the Minister give way?

Angela Eagle: In a minute, when I have finished this observation. I do not believe that there is a magic bullet or any one Government action on its own that will reverse the trend, but that does not mean that I am not open to considering suggestions that will help.

Chris Huhne: What is clear from what is happening is how the company is using the pension scheme to encourage people to leave early. In effect, it is loading the costs of what would normally be picked up in a voluntary redundancy scheme on to the pension fund. Does the Minister agree that that shows that the legislative framework is not adequate to protect people in pension schemes from such behaviour, and what does she intend to do about it?

Angela Eagle: It is not unusual for companies to retain significant discretion over early retirement, both for cost and manpower planning purposes. We have seen that phenomenon for many years.

I hope that the hon. Gentleman does not think that I am condoning what IBM is doing. I am making a general observation in this area. It is often more of a company human resources issue than a pension scheme issue. If he wants to give me details that he thinks make his case, I will be happy to look at whether there are public policy implications, but it is important to realise that there has to be some flexibility, and that not all flexibility is written into the rules of pension schemes. Quite often, it is available as long as there are surpluses in the scheme that can be used for such purposes.

[Angela Eagle]

In the past, many employers and employees have benefited from the flexibility that that kind of procedure has offered, if downsizing happens to be the case. We must be careful not to react with understandable emotion to what has happened and end up throwing out the baby with the bath water in terms of flexibility. However, as I said, I am happy to have a look at things that the hon. Gentleman thinks impact directly on this area.

Mark Hunter: The Minister is being generous with her time. Further to the point that was just made, would she agree with a constituent of mine who e-mailed me to state:

> "IBM has used these changes to force current employees over 50 into a 'Hobson's Choice' of either taking early retirement now or risking the massively worse impact of early retirement penalties in the future. This is really 'redundancy by stealth'"?

This is about not flexibility but redundancy by stealth, and there clearly is a loophole in current legislation that needs to be addressed.

Angela Eagle: Only IBM can comment on its motivation for making the changes. I sympathise with IBM employees who find themselves in this situation. Indeed, the hon. Member for Romsey—I want to address some of her points because, after all, this is her debate—asked whether age discrimination is involved. My only observation on that is that it depends on the exact circumstances, and the way to test whether there is age discrimination is through industrial tribunals. It is a bit difficult to make more than that general observation on the proceedings, but some members of the IBM pension scheme or, indeed, their trade union may wish to think about resorting to industrial tribunals to test whether age discrimination is an issue.

Mr. Jim Cunningham: Coming back to a point that was made earlier, I would have thought that the Minister could look at the principle of redundancies being funded out of pension schemes. That is something that should have been addressed a long time ago, and I know that there is a great deal of anger in the trade union movement about it. I know that we have to have flexibility and so on, but the Minister could at least say that she will look at that element.

Angela Eagle: One of the jobs of a Pensions Minister is to look and see how things are developing out there and always to check whether, in the circumstances, our rules and regulations are fit for purpose with respect to developing practice. I am more than happy to do that and I always have an open mind about such things.

David Cairns: My hon. Friend says that she is not in a position to speculate on IBM's reasons and she is right about that. However, when some of us met IBM we were told that this change was made because of the comparatively poor performance of IBM UK and Ireland. Yet in his final missive to workers issued yesterday, Brendan Riley said that it had been a privilege to lead one of the best performing parts of IBM UK. So there is a clear inconsistency in the message that IBM is sending out: either it is a poor performer or it is a good performer.

I am afraid to say that the reality is that hon. Members are right. Whether the Government can do anything about this, I do not know. This is redundancy on the cheap: that is what IBM is up to.

Angela Eagle: My hon. Friend has made his point in his characteristically laser-like manner. I am sure that IBM will be looking at what he said. However, the company meets the balance of cost in the defined benefits scheme and there is nothing to suggest that it takes it below a requirement or minimum that pension law would require. I put that on the record. Flexibility in respect of that does not take it into territory that puts it on the wrong side of regulation or the law, as the regulator has pointed out.

Ms Katy Clark: My constituents do not believe that it would be possible to make changes of this nature in other parts of Europe. Has my hon. Friend looked into that? Does British pensions law give the same protections as in other parts of Europe? If not, is she willing to look at that?

Angela Eagle: It is difficult. I am always willing to try to learn from the systems and approaches to industrial relations, pensions law, welfare or any other area in other countries. The more we all do that, the more we have to learn from each other. However, in the pensions area it is quite distinct: Britain is unusual because such a large proportion of its work force have accrued rights in defined benefits schemes, compared with other European countries. That usually leads people down some peculiar and not very accurate paths, generalising about European issues and then trying to bring the discussion back to a different circumstance, with additional pensions, in this country. I am not saying no, but it is often not easy to compare, and people are not comparing like for like when they do that.

Sir Peter Viggers (Gosport) (Con): One thing this Government have done is greatly to increase the responsibilities of trustees, one of which is to ensure fairness between the different members of the pension scheme. Will the Minister join me in encouraging the trustees to think carefully about their responsibilities in this field?

Angela Eagle: Again, I am more than happy to endorse the observations that the hon. Gentleman has made about the duties, fiduciary and other, of trustees, who have a great responsibility in respect of defined benefit pensions law that can sometimes be quite complex. I note the current plans of the trustees in this pension scheme to check some of these issues by going to the courts. Obviously, they have to do their duty as expected and laid down in law to protect the best interests of the people who benefit from their pension scheme—their members—and they must consider how fairness goes across the system. We have legacy defined benefit schemes here that other employees are involved in, which were particularly generous but have become less generous as time has gone on. How one would balance fairness across those schemes is a moot point in terms of access to rights.

The Government can guarantee, as they have done in law, accrued rights: those rights that have already been paid for and have been gathered up by individual employees with the contributions that they have made over the years. It is a lot harder to get ourselves into a circumstance where companies cannot redesign in any way pension schemes that have been set up for many years. As Pensions Minister, I have to ensure that the law tries to make the right balance between defending those rights that have already accrued, which is an absolute certainty in law passed by Parliament, but also getting to a circumstance where the law is flexible enough to allow flexibilities both for employees and employers, because we are not talking about the provision of pensions in defined benefit final salary schemes, which are not compulsory in this country. The provision of a defined benefit scheme is voluntary and it is for employers to decide whether they wish to offer them. I am acutely aware, when looking at any potential policy changes that I might wish to bring to Parliament to discuss, that I have to think about what effect those would have on the willingness of employers out there to continue to provide defined benefit schemes.

Stephen Pound: Further to the point raised by the hon. Member for Gosport (Sir Peter Viggers) about the trustees, my constituents, Nick Hodgson and Helen Sparling, tell me that after the 2006 changes the subsequent changes that IBM made were not agreed by the trustees. Is my hon. Friend prepared at least to look into that, as it seems to be a fertile area for further examination? If these current changes were not approved by the trustees, what is their role in this matter?

Angela Eagle: If my hon. Friend has any information of that kind he should certainly put it before the regulator. The regulator has been written to by several hon. Members of this House and members of the IBM scheme and has had a look, but has, so far, found nothing illegal or which would fall foul of current regulations about the way that IBM have technically dealt with the scheme. If my hon. Friend has further evidence of that sort, I suggest that he sends it to the regulator.

I want to deal with the Government's legislating, perhaps, to stop sudden changes, which the hon. Member for Romsey mentioned. I do not believe that sudden changes in pension funds are ever particularly desirable. We have legislation in place requiring employers to consult for at least 60 days before they bring changes into being, but we have to keep a balance in the law and not put employers off offering defined benefit schemes at all by making the way that the regulations work too inflexible.

There are still 2.6 million people in the private sector accruing rights in defined benefit schemes. I am acutely aware that we have to put in place a structure of law that enables us to try to assist both employers who wish to offer such schemes and employees who benefit greatly from them, and that they continue to do so. Again, there is a balance to be struck, but there is a requirement to consult and I understand that IBM has done that.

I understand—perhaps hon. Members who know more will correct me if I am wrong—that IBM has extended the time by which it was going to introduce these changes from April 2010 to April 2011. That is what a local trade union representative told me when I had a word with him.

It is important that the IBM board looks at our debate today and that it takes due notice of the surprise, worry and anger that have been expressed. I have a great deal of sympathy with those feelings, which have been well reflected in the debate, and I hope that IBM will take note of them.

5.19 pm

Sitting adjourned without Question put (Standing Order No. 10(11)).

Westminster Hall

Thursday 14 January 2010

[MR. CLIVE BETTS *in the Chair*]

Young People (Recession)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Kerry McCarthy.]*

2.30 pm

The Minister for Employment and Welfare Reform (Jim Knight): I am pleased to have another opportunity in the House to discuss young people and the recession. After my decision to call this debate, we in the Government were gazumped by the Opposition, who called a similar debate yesterday. Perhaps that explains why this debate is so sparsely attended. From my conversations with right hon. and hon. Members of all parties, I do not think that is due to lack of interest in the subject; rather, I think that it is because a lot was said yesterday and is going on elsewhere in the House and in Members' constituencies.

During yesterday's debate, we heard about the importance of education and skills to young people in this context, so I will not say much about that aspect. However, as a former Schools Minister for three years, I am delighted that the Opposition want to debate education. I hope that it means that they will now back the September guarantee of a place in education for every school leaver this year.

The Government have done much to improve young people's options in the recession, not just in education but in training, volunteering, work experience and jobs. Before I outline what measures we have taken and their positive effects, I would like to impress upon hon. Members the value of young people to business, society and the UK's economic recovery.

Businesses need to plan for the future and to develop today the people and skills that they will need tomorrow. They need to find now the talented young people who will be the leaders and innovators of the future. If they sit back and wait for the recovery, they will run the risk of missing out on the best new talent and being left behind by competitors who have planned properly for recovery.

Young people can bring new skills, new thinking and fresh ideas to a business, as well as bags of enthusiasm. My hon. Friend the Member for Bristol, East (Kerry McCarthy), who moved the motion at the beginning of this debate, entered the House at the last election, bringing new thinking, fresh ideas and bags of enthusiasm. Incidentally, she is considerably younger than I am. The vast majority of young people are eager to work, want to get involved and can reinvigorate a workplace. For society, having young people in work is obviously preferable to the alternative, but as well as the economic benefits to individuals and the public purse, there are also wider social benefits, such as the encouragement of responsible behaviour, better public health and a richer, more fulfilled society.

It is vital for recovery to get young people into jobs. We need to foster their innovation, develop their skills and ensure that as we move out of the recession, we can take full advantage of emerging markets and continue to be a leading economic power. Yesterday I met the Indian Minister of Human Resource Development. As is well known and documented, the future growth of India, as well as that of China, is a great opportunity for the people of that country but also a challenge for us in the globalised economy. Without the talents of young people, we will struggle.

We must nurture the talent of our youth. Businesses throughout the country are recognising that and signing up to the "Backing Young Britain" campaign. Firms such as BT and Marks & Spencer are saying publicly that they recognise the potential of that untapped talent, and they are offering jobs, apprenticeships and work experience to thousands of under-24s.

Our message is simple: now is the time to back young Britain. The Government cannot do it on our own. We are doing plenty, as I will discuss shortly, but the problem of long-term unemployment faced by young people is a challenge that we must all pull together to tackle. Business leaders across the spectrum are getting behind the campaign: Terence Conran, Peter Jones and Richard Rogers feature in our advertising inviting businesses to recognise young people's potential.

Working with business, we need to develop a range of options, including education, training, work experience and, of course, jobs. The training and experience developed by Government and the private and voluntary sectors are crucial, ensuring that young people get the right skills for business and helping us to avoid a situation in which job vacancies arise and we do not have enough trained people to fill them. As a group, 16 to 24-year-olds can be particularly vulnerable to the effects of a recession. Starting out in the world of work during the worst global recession in 70 years can knock them sideways.

Beyond those reasons for doing more are the negative consequences if we do not. Young people can be among the first to lose their jobs when companies make redundancies, because their lack of the experience that businesses value makes them vulnerable during cutbacks. They may have started work only recently, and they can lose out from the "last in, first out" policy. Once unemployed, they can find it more difficult to get a new job. Higher unemployment means more competition for jobs, and young people are too often pushed out of the job market by people with more experience who, given the difficult labour market conditions, are willing to accept lower-level jobs for less money than before.

Steve Webb (Northavon) (LD): I do not suppose that anyone could dissent from what the Minister says about the value and importance of young people, but he has tried to give the impression that the global recession has caused the problem of youth unemployment. Will he backtrack to the period before he thinks the recession started—I do not mind what date he chooses; perhaps a couple of years ago—and tell us how many young people under 25 were not in education, employment or training before the recession, and how that number compares with the number before this Government came to power?

Jim Knight: The headline figures for NEETs in this country, compared with the rest of Europe, have been particularly high for some time. There is a more complex picture beneath the headlines, and it is important for all of us who care about the issue—I do not deny the hon. Gentleman's concern—to seek to understand it properly.

[Jim Knight]

The NEET figures for 16 and 17-year-olds have improved significantly—they were starting to improve before the recession hit—because more are participating in education. Participation among 16-year-olds is now at 95 per cent. As a Schools Minister until six or seven months ago, I take satisfaction in that improvement. Indeed, I guided through Parliament the legislation to raise the participation age, which has not yet come into effect but is starting to galvanise improvement in the system. I was also responsible for negotiating with my friends in the Treasury, including the Secretary of State for the Department in which I now work, to secure funding for the September guarantee.

Mr. James Clappison (Hertsmere) (Con) *rose—*

Jim Knight: I am willing to take an intervention from the hon. Gentleman so that he can say that he supports the September guarantee and that his party would continue with it.

Mr. Clappison: I was actually rising to help the Minister. I can give him the answer to the question posed by the hon. Member for Northavon (Steve Webb), because the Minister was kind enough to give it to me in a written answer at the end of November last year. I was told that in 2000, the earliest point for the data, the number of 16 to 24-year-olds not in employment, education or training was 629,000, or 12.3 per cent. In 2007, before the recession took hold, the figure was 782,000, or 13.1 per cent., a significant increase in both number and rate. That is the point that needs to be dealt with.

Jim Knight: I was coming to address the point of 18 to 24-year-old NEETs. I note that the hon. Gentleman chose yet again not to back the September guarantee. I am not surprised about that, as I have written many times to his colleagues on the Conservative Front Bench to ask them to do so.

The NEET figures are certainly of concern, but as I said to the CBI at a round-table meeting on Monday, many of us in the House support the flexible labour market in this country. We have a much more flexible labour market than the rest of Europe, although perhaps not as flexible as that in the United States. I think that we have got the balance right in this country. We have developed the right balance to respond to globalisation while my party has been in power.

A negative consequence of that flexibility is the number of people who churn in and out of unemployment, particularly young people. The detail of the NEET figures for 18 to 24-year-olds shows that very few are NEET for long periods. The vast majority have short spells of unemployment and inactivity. That does not diminish the importance of continuing to do something about the issue, but we should view whether this debate is about NEETs with caution. There is a wider story about young people and recession than just NEETs.

Young unemployed people can find it more difficult to find a new job. Higher levels of unemployment mean there is more competition for jobs. Given the difficult labour market conditions, people with more experience are willing to accept jobs at lower levels and receive less money, which pushes young people out of the jobs market. Perversely, the responsible actions of employers and employees—shortening working hours and accepting pay cuts or pay freezes to reduce the number of redundancies— mean that as we move into the recovery, the additional work is likely to be taken up by existing employees first.

Without the additional support the Government have put in place, we would be in danger of once again losing a generation to long-term unemployment, as happened under Conservative Governments in previous recessions. Those long spells of unemployment knocked the stuffing out of young people, they lost their confidence and suffered the consequences for many years in the labour market. We are still dealing with the effects of the Opposition's policies when they were in power during the recessions of the '80s and '90s. Their deliberate approach of shifting thousands of people on to incapacity benefits to make themselves look better has devastated families. By moving people further from the labour market and suspending signing in some cases—in essence, removing the requirement to look for work—the Government of the day created a generation of long-term unemployed.

Mr. Clappison: As the Minister is moving on to the more partisan section of his speech, may I ask him a question? When his Government were elected in 1997, one of their five pledges was to get 250,000 16 to 24-year-olds off benefits and into work. At what point in the last 12 years—I hope that is a sufficiently long time—has that pledge been fulfilled?

Jim Knight: Part of that pledge was the new deal for young people. We funded it by ending the assisted places scheme, which helped some young people to access private education. The new deal was extremely successful in taking people off long-term unemployment. Indeed, current long-term unemployment rates show that considerably fewer young people are signing for more than 12 months. More than 250,000 fewer young people are doing so than in 1997. I do not know the exact date when that started to kick in, but we have a proud record of dealing with long-term youth unemployment. The rate is currently a 14th of what it was in 1997.

Mr. Clappison: There is an explanation for the claim about long-term unemployment in the new deal, which I will come to, but the pledge was to get 16 to 24-year-olds off benefit and into work. At what point did that figure fall by 250,000?

Jim Knight: I remember the pledge very well. We pledged to set up the new deal for young people, which would get 250,000 young people off long-term unemployment and into work. That has been achieved.

As I was saying, by suspending signing and moving people further from the labour market, the Conservatives created a generation of long-term unemployed. We know that many of those people have never gone back into work. A key aim of this Government has been to work through the 2.7 million people on incapacity benefit, identify those abandoned by the Tory Governments of the past and start to help them to return to work.

The effects of the Conservative policy remain. There are still 1.87 million children in workless households in this country, some of whom have grown up thinking that being out of work is the norm. By massaging the figures, the Conservatives simply stored up problems for the future. That is why we are now assessing people not on the reason for not working, but on what they can do. That process is starting to work through new claimants for employment and support allowance. From October, we will start the migration of people from incapacity benefit to more active benefits.

Steve Webb: The Minister is being very generous in giving way—as we are here, we may as well have a debate.

The Minister has talked about massaging figures and I know that he would not want to do that. He talks about a fall in long-term youth unemployment. Will he clarify something I have never been sure about? When the Department says that someone is not long-term unemployed, is that because the clock starts again? If somebody is unemployed for 12 months and goes on a scheme, which does not count as being unemployed, does the clock start at zero if they do not get a job when the scheme finishes? Is it actually quite difficult to be long-term unemployed because once a person is in that category, they go on a scheme and the clock is reset? Is that what happens?

Jim Knight: Certainly it is the case that when people move on to the new deal for young people, they no longer count as claiming jobseeker's allowance. Because I do not want to mislead anyone by massaging figures, I have looked carefully at whether that accounts for the significant fall in long-term youth unemployment following the introduction of the new deal. Even though some people churn back into the system, it is nowhere near the number that would take it up to the level of long-term youth unemployment that we inherited in 1997.

Mr. Clappison *rose*—

Jim Knight: I am quite happy to write to hon. Members to furnish them with statistics on that matter.

We are investing £5 billion in helping people to get back into work and have maintained an active labour market policy with people signing on and getting professional, personalised support from Jobcentre Plus. That is why we are still getting about half of jobseekers back into work within three months and about 70 per cent. into jobs within six months. The turnaround is even faster for young people. We are getting young people into jobs every day. The long-term youth unemployment rate, as we have been discussing, is a small fraction of what it was during previous recessions.

The UK's flexible labour market means that people move in and out of work very quickly, as we have discussed. We have to keep an eye on that churn. That is one reason why we are looking to move to sustained employment outcomes as measures of success for Jobcentre Plus. Young people are coming back into the system through that churn, but it is good that they are continuing to get jobs and build their skills, experience and CVs.

How are we doing in statistical terms? The additional measures we have brought in and the additional staff we have recruited to deliver them mean that across all ages, there are about 450,000 more people in work today than experts were predicting there would be a year ago. About 2.5 million more people are in employment than in 1997. We will never deliberately damage people's potential by moving them off jobseeker's allowance to make the figures look better. We will invest in potential—developing training, work experience and creating real jobs. When young people leave jobseeker's allowance today, it is because it is the right thing for them, not the right thing for us.

We will continue to invest in potential through education. Today, there are more young people in education than in 1997. Last September, an additional 55,000 places were created for the September guarantee. We are committed to a better education for all because we know the benefits it can bring, not only in improving job prospects.

Some young people look for part-time work to supplement their income while they study. As they are looking for work, they are identified on the International Labour Organisation measure as actively seeking work. They are therefore included in the unemployment figures. Of the approximately 950,000 young people who are counted as unemployed through the International Labour Organisation labour market survey, more than 250,000 are full-time students looking for a little part-time work to see them through. The headline figures therefore do not tell the real story. The figures are a useful comparator with the past and I do not duck them, but it is only the headline figures that interest the Opposition. They want the headlines; not the real story.

We have learned from the Conservatives' mistakes, so in addition to all the support we have introduced to help people get back to work quickly, we have created specialist help aimed specifically at 18 to 24-year-olds. That is on top of the help available to unemployed people during the recession; for example, pre-redundancy support, help for professionals, accelerated day one assistance and support for people who want to start their own business. All of that is equally accessible to young people.

In addition, there has been engagement from businesses, as I have mentioned, through the Backing Young Britain campaign, and help from Government in the form of the young person's guarantee in schemes such as the future jobs fund. All that support is funded from the £5 billion fiscal stimulus package, which, of course, the Opposition have constantly opposed. The inference is that they would not spend that money and would thus scrap the 170,000 jobs created for young people and those in unemployment hot spots through the future jobs fund. All that shows that the Opposition have still not figured it out—for them, unemployment still is the price worth paying.

The action that the Government have taken has kept unemployment below 3 million and has kept long-term unemployment lower. Incidentally, I need to clarify that when I talked about a 14th, I was making a comparison with the low point of the early '90s recession rather than with 1997. I apologise for having to make that clarification.

We have had a dramatic fall in gross domestic product during the global recession. Output has fallen by 6 per cent. All predictions based on previous recessions were that unemployment levels would rocket much higher, as they did in the '90s recession when output fell by 2.5 per cent. and unemployment rose by 3.4 per cent. The predictions that something similar would happen this time have not come true. Unemployment has risen, but nowhere near the levels anticipated.

[Jim Knight]

The Opposition tell us that in the UK we have the worst youth unemployment rate in Europe. If we consider unemployment rates for young people, comparing like for like and taking the number of young people unemployed and not in education as a proportion of all young people, the figure is just under 10 per cent. That compares with the '80s recession, when the figure was 13 per cent., and with the '90s recession, when it was 12 per cent. So we are doing better than we did in the past and our unemployment rate is better than the EU average and better than the rate of many of our economic competitors—the US, Canada, France, Italy and, of course, Spain.

The '80s may be having a revival at the moment, but we will not stand by and let unemployment reach 3 million, as it did almost 28 years ago to the day. The Opposition are not learning the lessons of the past. We have, of course, recently seen that the Leader of the Opposition is interested in the airbrush effect and, to some extent, his statistics show that. However, let us not forget that he is the same man who in 1991 was special adviser to the then Chancellor, who said that unemployment was a price worth paying.

The Opposition have economic policies that independent experts have predicted could result in unemployment being as high as 5 million—a doubling of today's unemployment level. They simply have not learned from the mistakes in their economic policies. We have, and the support we have put in place has helped people to stay in work, find work quickly if they lose their jobs, and develop exciting opportunities for young people. We will continue to support young people through the recession and into recovery because it is not just the right thing, but the smart thing to do.

2.54 pm

Steve Webb (Northavon) (LD): It is customary at this point in the proceedings to say that it has been an interesting and lively debate—I will have to cross that line out in my notes. None the less, notwithstanding the low attendance, this is a vital subject. As the Minister said, a related motion was moved yesterday, so some points have already been covered in the House in the past 24 hours. It is good to have a Department for Work and Pensions Minister introducing the topic, because we can raise some specific areas that come under his departmental responsibility. That is what I shall do this afternoon.

The starting point must be that young people's potential and talents are going to waste on a massive scale, which, in a sense, is what the Minister said at the start of his remarks. As I tried to point out through my interventions, it is not simply a case of saying, "It's just about the recession." Even before the global downturn and before Britain entered into recession, as the hon. Member for Hertsmere (Mr. Clappison) helpfully pointed out, the scale of young people not in education, employment or training was vast and rising.

That is a crippling problem, and it is not amenable to simple or simplistic solutions. There are a variety of categories and circumstances of young people in the NEET group. I was surprised to read that a significant number of young people not in education, employment or training are either pregnant or involved with child care. I suppose one could argue that looking after a young child is a pretty active thing to be doing and the phrase NEET implies that people are doing nothing all day, which is not necessarily the case.

Even so, there are clearly large numbers of young people who have had prolonged periods out of contact with formal education. They have not been receiving training or being paid for work, and we are concerned that once a young person has a prolonged period out of contact with the labour market, it has a damaging effect on them—not just this year or next year, but in the decades to come. Professor Paul Gregg who advises the Government on these issues has said that, when someone is in their 40s, one can still see the impact of a 12-month or longer spell of unemployment when they were a young person in terms of depressed wage potential and so forth. It is a waste both economically and socially to allow young people to spend long periods out of work.

What can we do specifically about such young people? We knew that the Minister would list a whole set of initiatives—the January guarantee, the September guarantee, this fund, that scheme and all the rest of it. Governments have such initiatives; some of them work and some do not. However, a fundamental element is missing from all this: with the best will in the world, such schemes tend to cut in after a prolonged period of unemployment. I am aware, for example, that to qualify for some schemes one must have been unemployed for two years, for some schemes for one year, for others six months and so on.

When I quiz Ministers about that, they say, "You don't need to worry because from day one, we're giving people support." I am sure they are giving people support from day one, but it is not on the scale needed for some young people. Indeed, if they were given the scale of support that I am talking about from day one, we would not have a three-month, six-month, 12-month or 10-month guarantee because there would be nothing to add—it would all be being done.

At present, support clearly steps up as someone goes through unemployment. Obviously, if we gave everybody everything on day one, that would be a big dead weight. As the Minister said, there would be a whole set of people who would have found a job anyway without help. Giving extensive, intensive support on day one to everybody is not a particularly good use of public money, when many people might well stand on their own two feet, find a job and not need such help. However, it is also not a good use of public money to wait for what in some cases, sadly, is the inevitable, and then to step in when the problem has got much worse.

That brings us to the key Liberal Democrat difference from the Government on the issue. The Government tend to say they will ratchet up support as the problem gets worse—the longer someone has been out of touch with the labour market, the more help they will give—but they never seem to say from day one that they know the risk factors likely to lead to the young person still being in the system 12 or 18 months down the track. I appreciate that the matter is not without controversy, because we all know what the risk factors will be. Giving enhanced support to groups with particular risk factors would be contentious, but it might be the best thing to do.

For example, a young person who has left school notionally at 16, but who has in fact probably dropped out when they were about 13 and a half, might come into a jobcentre. They might have been put on schemes and now be aged 18. They might have already been out of contact with the system for some time, have few or no formal qualifications and have poor literacy and numeracy. If the jobcentre they walk into is in a jobs blackspot or if they live in a remote rural area, one can start to think about the risk factors, such as poor public transport, a lack of an independent means of getting to and from work and so on. Why do we have to wait 12 months for what someone once called "the bloomin' obvious"—I think that was the phrase—when we know that we can intervene early?

We could intervene early for those at the highest risk of being long-term unemployed and have much better value for money as a result, because merely being unemployed for a further 12 months makes intervention harder. People get out of the habit of getting up, making themselves presentable and having routines and discipline. That is not true universally, but when it has been a while since someone has had a job, been on a course or done something for which they have had to be in a particular place at a particular time, it is almost inevitable that things will slip. We know that people's mental health tends to suffer during prolonged periods of unemployment.

All that is true in general, but it is particularly true for the young unemployed, who are the focus of the debate, because although a year of unemployment is bad enough for anyone, it is catastrophic for those whose adult life has only been a year long, because it becomes all they have known as adults. That heightens the reason for early intervention for those with the highest risk factors. I do not think that the Government are totally hostile to the idea, and there may be elements of what I am describing in the current arrangements, but they clearly do not go far enough.

There is a question about whether we can spot people on day one. One cannot identify with 100 per cent. certainty which one of 10 people who come in will still be unemployed in 12 months' time, but statistically significant risk factors are involved. We need an objective basis; we cannot have a jobcentre adviser just looking at someone and saying, "Well, we know he'll be back in a year's time." We would have to be scientific about it. I believe that there are statistically significant risk factors—they relate to the local labour market and the demand side, and the qualifications and skills of the young person—that would enable one to identify high-risk groups, for whom early intervention would yield a higher return and represent money well spent.

My second consideration relates to early intervention in schools. When someone leaves school with limited qualifications and poor job prospects, we say that the rot has already set in, but we need, in the spirit of early intervention, to intervene to prevent people reaching that point. The Minister mentioned higher staying-on rates at age 16, which is obviously welcome, but clearly we must also talk about intervention much earlier in the educational process.

The Department for Children, Schools and Families, the Minister's former Department, has commissioned research on more than 15,000 people on the drivers and barriers to educational success, and it has found strong links between poverty and poor outcomes, which we need to break. For example, it found that for the poorest fifth of the young people we are talking about, only one in five gain five or more A* to C grades at GCSE, including English and maths, compared with three quarters for the richest fifth. Are poor children stupid? No. Are poor children disadvantaged by the system? Absolutely.

What should matter in educational outcome is not parental income, which probably provides the best guess for outcomes—if one wants to know how a child will do at school, knowing how much their parents earn is probably the simplest way of judging that. It should not be like that. We need to do far more to reduce educational inequalities by doing more to support children from deprived backgrounds and in deprived areas.

Another example is that 15 per cent. of the poorest fifth of children are not in education, employment or training at 17, compared with just 2 per cent. of the richest fifth, so a child from a poor family is seven times as likely at 17 not to be in any of those activities as one from a rich family. I do not want to read out a whole stream of statistics, but I will give one further example that relates to aspirations: 76 per cent. of the parents in the poorest fifth would like their child to stay in full-time education beyond 16, which sounds quite high, but the figure is 91 per cent. for the richest fifth. There are differences across the income scale even in terms of what parents want for their children.

How do we redress that situation? It is tempting to say that it has always been thus and that is how society works, and there is an element of truth in that. However, we can gear funding for education not just to deprived areas, which school formula funding already does to an extent, but far more to deprived children. Therefore, the Liberal Democrats have proposed the concept of what we call a pupil premium, an enhanced level of funding. We would withdraw tax credits from those on above-average earnings to pay for it, so we are being entirely clear about where the money will come from. By finding that money and spending it on children from disadvantaged backgrounds, we can raise the funding for those children close to private school levels—that is the scale of funding we are talking about. We believe that would have a transformative effect on the outcomes for children from deprived backgrounds.

For example, schools in a particular area might hitherto have exercised what one might call covert selection, by discouraging children from the wrong side of the tracks from coming to their school because they will drag down the league tables. Suddenly those children would look much more attractive because they would bring with them a funding level that enabled the school to do more overall. The money would not have to be spent on an individual child, but the child would bring the funding. In deprived areas, that would certainly boost the level of funding and enable us to do much more.

We cannot go on with the current level of inequality and the fact that parental income shapes a child's outcome. What should matter is a child's talent and effort and the input of the school, not simply whether one is from a prosperous background. My first point about early intervention is about identifying the high-risk groups on day one when they hit the unemployment system, and the second is about the need to ensure that school funding favours disadvantaged children in a much more geared way than at present.

Jim Knight: I will talk more about the interesting point the hon. Gentleman raised on the relationship between poverty and educational outcomes in my winding-up speech. I understand his point about the pupil premium, but one of the measures the DCSF has taken to respond to the challenge is free one-to-one tuition for children, regardless of background, who are falling behind in English and maths. Obviously, that will disproportionately favour those from disadvantaged backgrounds, for all the reasons the hon. Gentleman has given. Does he support that, and will his party commit to continuing it, should they be in a position to influence those spending decisions in future?

Steve Webb: I am grateful to the Minister, who has highlighted the sort of things that can be done when funding is in place to help disadvantaged children, whether specific catch-up classes on literacy or numeracy, or one of 1,000 things a creative school can do when it has the funding and has been set free to deliver what is right for the individual child. If a school decides that the right thing to do is to spend that funding on one-to-one catch-up lessons, it would be free to do so, and that is entirely welcome. However, we would want schools to tailor the support they give to the individual child, so we would free them up to do that, rather than having central Government say, "We are putting some extra money into the system but it always has to be spent in this way, regardless of the needs of the specific child."

Clearly, a danger in the coming years, if the Conservatives take power, is that the rhetoric about unemployment would start to become very much on the supply side, and not the demand side. Historically, Conservative Governments have tended to say that unemployment is principally about the willingness of the unemployed to seek work and take jobs, so they have regarded the demand side essentially as a given. I do not mean that uncharitably, but as a reasonably accurate characterisation of the difference between a Conservative Government and other Governments. The focus of activity for a Conservative Government tends to be on things such as incentives and sticks and carrots for the unemployed. Right-of-centre Governments tend not to think that Governments can create jobs or do a great deal to affect the demand side of the economy.

One of the differences of the Liberal Democrat approach is the notion that Governments have a great ability to influence unemployment, because they have massive spending power and can use their money in a way that is job-rich or job-poor. An example is the temporary VAT cut introduced 12 months ago. I think, from memory, that it cost around £14 billion. In any case it was a vast sum of money, yet there is precious little evidence that it had a serious impact on unemployment. I accept that it was a one-off amount, but a capital sum of that amount could have been spent, and in our plans would be spent, on creating a significant number of jobs, such as environmentally sustainable green jobs. For home insulation, which is a classic example, funding could go far beyond what the Government are doing.

Home insulation is labour intensive, can be started straight away and, critically, yields a long-term return. It would not be, as Keynes famously said, like paying people to dig holes and then fill them in again; it is a very constructive activity. It would involve people of all ages being trained up and acquiring skills. It would benefit people whose homes were insulated, because their fuel bills would be lower. It would improve the infrastructure of the housing stock. It would lower fuel poverty and carbon emissions. It would be a real win-win. The Minister will say that the Government have all sorts of schemes to deal with home insulation, and I am sure they do, but the scale of what we need is vastly greater than the scale of the Government's ambition, given that fuel poverty is at very high levels. In areas where the Government identify that they will use their spending power, therefore, they can introduce such measures, which are job-rich, good for the long-term health of the economy and environmentally sustainable.

When the Liberal Democrats publish their manifesto at the next election, it will include a year-by-year spending plan and we will identify the various things that we would not do and which would save money in each year of a future Parliament. We will also identify some of the things that we would do, including introducing the pupil premium. One imagines that it would take at least a year to legislate to get such things in place. We envisage, right at the start of the Parliament, that we could spend the proceeds from the things that we would stop doing on job-rich activities. There would be a payback because we would employ unemployed young people and others, there would be an environmental payback and the economy would be stimulated. We are therefore very much of the view that the Government can use their spending muscle to generate jobs. Clearly, the private sector is the ultimate generator of jobs, but the Government buy services and decide what to spend their money on, and they can do that in job-rich ways. That is what we want to see and that is the third key difference in the approach the Liberal Democrats would adopt.

When I intervened on the Minister earlier, we talked about churn—people going through programmes again and again. My understanding is that more than a third of the people who started the new deal in 2009 had already participated in programmes at least once. One in three of those people are not coming into the system fresh; they have already been through it, they have not got a job at the other end, they have had a period as a normal jobseeker and they have come into the system again. I was talking to a young unemployed person in my constituency recently, who said, "January's coming, and I'll be back on the new deal."

Clearly, we do not just write people off, and if one programme does not work, another programme will be a good thing. However, some people have suggested—the Minister is perhaps more careful than many with his figures—that long-term unemployment has almost been abolished, and the Prime Minister may have implied that on occasion. That grossly misrepresents what is going on. As MPs, we all know people who have been out of work for prolonged periods but who do not crop up in the right column of the figures. The problem is greater than Ministers have sometimes—in the past at least—led us to believe.

Another issue is how the new deal will cut in for the long-term unemployed and how providers will be incentivised to help those whom it is hardest to get into work. The Liberal Democrats have concerns about the structure of some of the contracts with flexible new deal providers. The Government have told people that they will have a provider in a particular area, who will get a certain amount of core funding as a reward for getting people back into work, as well as enhanced funding—as the Minister said—for getting them into sustainable work, which has to be the goal. The worry is that the funding does not distinguish different groups. Some people would have got a job in any case, although I appreciate that the number among the long-term unemployed is low. However, it is not nil, and a percentage of people, even after being unemployed for 12 months, will still get a job in the next three months by their own devices, and the funders will get the money, even though those people would have got jobs anyway.

The Minister will be familiar with the issues of parking and cream skimming. With parking, people are shunted to one side because they are expensive to deal with, and the cost of sorting them out does not match the money available per person who returns to work. The obverse of that is cream skimming. Someone will look at their intake and will, rather as I said earlier, immediately spot the people they can immediately slot into a job with a little support and the people who will need a lot of hard work. There is a positive incentive to go for those who will be easy to fit into a job and a negative incentive to park those who are difficult and who have complex problems.

What do we do about that? The Liberal Democrats favour what we call accelerator funding. For the first person we get back into employment, the funding is pretty modest, but as we work our way deeper into the pool of unemployed people, the reward is enhanced. There is a good argument for taking that approach from the point of view of ensuring value for money for the taxpayer. We get nothing back from the provider for the first person they find a job for, because that person would have found a job anyway. However, if they really dig deep into the pool of unemployed people and help those who are hard to help, they will start to get serious rewards. That will probably save the taxpayer money because even an enhanced level of per-head reward for helping someone who would otherwise have been unemployed for another three or five years and who would have been on benefit or something similar probably results in a net profit for the Government, particularly when we take account of the tax that people might pay when they return to work.

That is quite hard-headed economics. We are saying that the marginal return to the taxpayer is pretty low for people who would have got a job anyway, but pretty high for those who are hard to help. If the funding matches that, the incentive structure for the company—the new deal provider—will match the return to the taxpayer. That seems logical, but it is not a feature of many of the flexible new deal contracts, although I am happy to be corrected on that and—

Jim Knight *rose*—

Steve Webb: I may be about to be.

Jim Knight: The hon. Gentleman is right that such a provision is not currently a feature of the flexible new deal contracting process, but it is a feature of the personalised employment programme, which we will start piloting shortly—we are going through the procurement process at the moment. We completely accept the argument, but as with most things we do, we want to ensure that the model is right, because of the risk that we will take things to the market that may not work, or have to pay a premium for the provider to manage the risk themselves.

Steve Webb: I am encouraged to hear that the Government are piloting that programme. I hesitate to describe my remarks in the House as eternal truths, but what I have just said must always be true: in any given pool of unemployed people, some will get a job anyway, some will be hard to help, some will be cheap and some will be expensive, but if we structure the payment to match the cost, we will get the incentives right. That must have been true 10 years ago, and although I can see that there are a few practical things that one might need to pilot, I am not sure why we need to tiptoe around quite so much in year 13 of a Government. The flexible new deal contracts could, for example, have been structured as I described. None the less, what the Minister has outlined is probably a step in the right direction, and I welcome it.

It is easy for me to look at these things through a financial, fiscal and economic lens—it is the "My name's Steve, and I'm an economist" thing—but it is easy to lose sight of the non-financial aspects of helping young unemployed people. We have had a helpful briefing from the charity Catch22, which was principally focused on yesterday's debate. It talked about the needs of young people in terms not only of identifying jobs, but of providing financial support with the cost of training, books, course materials and transport, which we all know can be real barriers. It also talked about emotional and practical support, which the voluntary sector is often very good at providing. The charity talks about its Skills For Working Life course, which

> "helps young people find out about the working world"

and gives them

> "a broad-based set of life skills."

The course has a high success rate, with people getting qualifications and going on to further education, training or jobs.

One of my questions to the Minister is whether he is happy that the flexible new deal process is tapping sufficiently into the skills of the voluntary and charitable sectors. When the idea of contracting out services was first mooted, I was instinctively wary of it, but one reason why I thought it was worth giving a go was that the niche charity and voluntary providers, which really know specific client groups, would be brought in and would use their talents and their knowledge of client groups to help in a way that bog-standard Departments could not. However, the contracts have tended to go to big corporations—I do not know whether we would call them multinationals, but they are certainly big national corporations. Almost all the contracts have gone to for-profit providers.

The question is how the small, niche and specialist voluntary and charitable sectors fit in. Ministers tend to answer that it is through subcontracting. The big contractors will get the charities and the voluntary sector on board. However, I wonder what assessment the Minister has made of how that is working. How much hard cash of the money that the Government are spending on the new deal is filtering through to the voluntary and charitable sector? Often those sectors have the motivated

[Steve Webb]

volunteers and the expertise with a client group and area that a commercial provider might not have, to such an extent. Yet one always worries that what to a small charity is a vast contract is a relatively small part of the contract of the big provider that hands it out. The big flexible new deal provider and the little local or specialist charity will have unequal bargaining power.

The Minister might say that that information is commercially sensitive, or that the flexible new deal providers do not have to tell the Department, but has he asked how much of the big sums earmarked for flexible new deal providers will end up in the income stream of the charities and voluntary sector bodies on which, at least in part, the programme was founded? If the Minister does not know the answer, I hope that his Department will monitor the matter to ensure that we get best value for money. Charities such as Catch22, which I have mentioned, are particularly good with young people and understand the complexity of their needs, which a large private sector provider might not. I hope that they get their share of the cake and can build on their experience.

My key emphasis has been on early intervention in education—pre-school education and so on—and at the point of entry into the job market or unemployment, instead of waiting until young people become long-term unemployed. I have talked about incentivising scheme providers, so that they assist not just the easiest to help, but the hardest. I have also talked about youth unemployment being a matter not just of lack of jobs. I have discussed how Government can help on the demand side, but also the need to deal with the complex issues that lead to long-term unemployment, and the need for the expertise of the charitable and voluntary sector. I sense that some of those questions are present in Government thinking, or thereabouts, but I would like them to be given greater prominence.

3.20 pm

Mr. James Clappison (Hertsmere) (Con): I welcome the opportunity to speak in the debate, which is of great importance and will interest many of our constituents. I find that I am summing up for the Opposition a single speech—that of the hon. Member for Northavon (Steve Webb), who speaks for the Liberal Democrats. He made a wide-ranging and interesting speech, in which I found some common ground with him, on generalities if not on specific prescriptions. His points were mainly general ones, but there were worthwhile points among them.

In some respects I agree with the hon. Gentleman about the value of early intervention. We have stressed it in our criticism of the Government's plans, to which I shall come in a moment. However, it is also part of the thinking set out in our plans: in particular, we have emphasised early intervention when specific needs are identified.

The hon. Gentleman was also right to mention helping those who are hardest to help, and providing incentives to ensure that they get help. That may in some cases go wider than a discussion of young people in the recession: we recognise that large numbers of people are languishing, if not on jobseeker's allowance then on other benefits, and are out of work and economically inactive, and that many of them wanted to work and did not receive the necessary help. Those people—the hardest to help—were in that situation before the recession, and we can all think of such people. They have the greatest barriers to working: they might have health conditions, or their past might have been difficult, perhaps because of housing problems or conflicts with the criminal justice system. In trying to design a system, it is reasonable to adopt the objective of ensuring that those people, too, receive help, and that they are not parked to one side while those who are easiest to help get all the attention and resources.

In response to the points made by the hon. Member for Northavon about the demand side of the economy, which were perhaps even more general, it is important that, whatever the level of demand in the economy, whether from the public or private sector, there should be people with the skills and training to meet it. Our recent economic history raises issues about that, particularly about how demand has been met in some circumstances. I can find common ground with much of what the hon. Gentleman said about those points, and about setting out objectives that we need to keep in mind.

I think I can also find common ground with the Minister on his remarks early in his speech: before dealing with the topic of young people's difficulties in the recession, it is right to say that young people today have great value, and we should commend their value to society. There is great potential there and we share the objective of getting those young people into work and realising their potential, for their benefit and that of the wider economy—and older people as well.

Jim Knight: I am encouraged by the move to consensus on the importance of the matter, although such consensus should not be surprising. I should be delighted, in the light of that consensus, if the hon. Gentleman would endorse and sign up to the Backing Young Britain campaign to encourage employers to do their bit to give young people a chance in the recession, through apprenticeships, the future jobs fund, work experience, internships and so on.

Mr. Clappison: We have set out our plans and our intentions for doing that, and we stick by them. We would tell people in this country that young people here have great potential. The question is how we help them, through the education and training that they receive, to meet the demands in the economy.

At this point I must diverge from the Minister's views, because I was a little perplexed about the philosophical approach behind his response to the issue—and it is a big issue for young people. It is not clear to me whether the Minister was saying that there is a great problem for young people, who have been hit very hard by the recession, or that things are not that bad, and they have not been too badly hit: that if we look at statistics in a certain way the problem is not that great. I am not sure whether he is saying that there is a great problem, to which the Government have answers, or that there is not a problem at all. We need to be a bit clearer about that, and to recognise that young people have been hit hard by the recession.

That fact has been evidenced by the steep rise in the number of young people aged 16 to 24—that is our definition of young people for the relevant purposes—who are unemployed, whether we use the International Labour Organisation's definition or the claimant count. Whatever measure is used, there has been a very steep rise. The issue is not just that there are young people who are unable to find work: behind that there are other young people who are struggling in the recession and who may have found work but have had to compromise their ambitions. They may be in employment but waiting to fulfil their chosen career path.

It is widely known that many firms froze recruitment last summer. Even those who have had the good fortune to obtain a job in their chosen field have sometimes found their entry to that work deferred. There are many reports of companies and professional bodies deferring graduate level entry of young people to whom jobs have been offered. We must recognise that there are young people who are unemployed and in need of help, and others who have been hit by the recession. We need to help all of them, but of course our particular focus is on those who have been unable to find any employment at all. The Minister needs to recognise the scale of the challenge.

I heard what the Minister said about the ILO measures of unemployment. He knows that its figure for 16 to 24-year-old unemployment in this country is about 1 million, and even if one takes out young people in education the number is still substantial. He can contradict me on this if he wishes, but, for the sake of his argument, even if one subtracts from the figure young people who are in education looking for work, a significant number are still unemployed, and certainly a much higher number of 16 and 17-year-olds and 18 to 24-year-olds than in 1997. That was the situation in 2008, and I believe that it is still the case. If the Minister has different figures, I would be grateful if he produced them, but we must stop looking at statistics as a way of getting around the problem. Instead of trying to find some explanation for them or trying to put a gloss on them, we should just face up to the scale of the problem.

Another thing that is evident, even in some of the material produced by the Government on youth unemployment—the hon. Member for Northavon touched on this point—is that there was a problem with youth unemployment in this country before the recession took hold. We need to face up to that fact. It is serious and needs to be reflected on when we come to choose policies and the means by which we try to get young people back to work.

It is worrying that youth unemployment seems to have been creeping up, certainly on the ILO's statistics, since about 2003, which was obviously long before the recession took hold. I am looking at the figures that the Government chose to put in their White Paper, "Building Britain's Recovery: Achieving Full Employment". Their statistic on youth claimant unemployment, as opposed to the ILO's measurement, would appear to tell the same story of declining effectiveness of Government interventions to try to get young people back into work, and of youth claimant unemployment starting to creep up after about 2003. There will be interesting issues for economic historians in explaining how that came about, but it is important that we learn lessons from it, and from the policies that were put in place to help young people but which manifestly failed to do so. That includes learning lessons from what has happened with the new deal, because with unemployment affecting about one in five young people, we cannot afford to continue with approaches that have failed in the past.

I heard what the Minister said about his chosen historical perspective. He mentioned the last two recessions. The White Paper selected the worst periods of the last two recessions, in 1985 and 1993. I heard at one point in his address the suggestion that the problems we face today are somehow the responsibility of the previous Conservative Government. I shall pass over that, but I think that we have to be careful about how far we go back on such matters.

I remember—you may as well, Mr. Betts—that we used to have a programme on independent television called "All Our Yesterdays", which selected things that had happened 25 years earlier. In the 1960s, my age group watched things about the second world war. I am afraid that the Government's policies and thinking seem to be about all our yesterdays. It would be better if they looked at what has happened in the immediate past, and the failures that there have been, and learned lessons from that.

Jim Knight: The reason why it is relevant to make comparisons with previous recessions is that we have just gone through a year in which we saw output fall dramatically, and everyone knows that there is a strong relationship between falls in output and falls in employment. A reasonable measure of how successful we have been in tackling recessionary effects on unemployment is to look back at other periods when employment fell sharply. It did not fall as sharply last year as it did during the 1990s recession—it fell by only 2.5 per cent., compared with 6 per cent.—but the effect of the global recession in the past year has been profound, and we need to look at how we have managed unemployment through recession, compared with previous Governments.

Mr. Clappison: That is helpful. The Minister needs to look at the statistics that his Government produced in their White Paper about the change in the level of unemployment following the early 1990s, which he has been pleased to choose as the peak for the last recession. If he studies that, and looks at what happened after that period, he will see that from about 1992-93 onwards, there was a steep fall in unemployment among young people. That continued throughout the later part of the 1990s but began to level out relatively shortly after the present Government took office. It levelled out altogether by January 2000, which was not a period of recession. After that, youth unemployment stuck at a certain level and then began to rise again in 2003.

If the Minister looks at those periods of history, he will see that youth unemployment was declining much faster before the present Government took office and introduced the new deal, which we have heard so much about, and that it then began to level out. That is hardly a picture of a policy working tremendously satisfactorily. It would seem to indicate that under the policies that have been pursued, in particular the new deal, there was a stubborn problem with the persistent level of youth unemployment, which the Government were unable to get down, and which started to rise again.

I would be happy to give way to the Minister at any time if he would like to intervene and tell me at what point since 1997, and on what measure, the Government have achieved their stated objective of getting 250,000

[Mr. Clappison]

young people off benefits and into work. That was one of the key pledges made in 1997, which was said to be funded by a windfall levy on privatised industries. The case is that at no point since 1997 has there been a fall of anything like 250,000 in youth unemployment. Today, it is several hundred thousand higher than it was in 1997, whether one uses the ILO measurement, the claimant count or any other measurement.

We need to learn lessons from the fact that the new deal has failed in those respects. I believe that the Government have recognised the failure of the original new deal for young people because they have, in effect, abolished it and replaced it with the flexible new deal, which retains the name but employs a different set of policies for helping young people. We need to learn lessons from the long-term failure of the policy to reach its stated objectives.

My party has set out in detail proposals on how we wish to help young people. First, we believe that help that is made available should make a real difference to a young person's life prospects, not lead to a revolving door between temporary work and new benefits claims on a repeated basis. The hon. Member for Northavon made that point as well. We need to drop claims about abolishing long-term youth unemployment or youth unemployment on the basis of changes to someone's status as a claimant. What should change is getting the young person in question into a job.

We also want to ensure that there is timely help for young people. At six months from the point of a claim, we want specialist help to be provided by dedicated case managers and mentors who will offer help on an individual basis. We have set out proposals for how we wish such help to be provided for young people.

We want to see longer-term success coming from policy interventions. For young people in particular, we feel that it is important to provide support after an individual has found work, to help them cope with some of the problems that they encounter once they have found work. We have set out proposals for a more rigorous approach to what constitutes sustained employment in the first place, and we have set out plans for ensuring that young people get personalised mentoring and help after that period. They need help to stay in work, not just to find work in the first place.

As I said, we want to eliminate the revolving door between welfare-to-work help and the jobcentre. To help young people through the recession, a key priority must be to provide them with the skills that they need for the future. We have set out proposals on that. We have said that we want to take a great deal of action on the skills and training front—the Minister will have heard this yesterday—to help young people into apprenticeships, for example, and also to help them acquire functional numeracy and literacy skills and social skills that will enable them to undertake apprenticeship level training. Again, we have brought forward proposals on those matters.

Many young people have high ambitions and aspirations, and there is much evidence that the present system of education and training has failed to equip all of them with the skills they will need to succeed. We are clear that far more needs to be done in future. On apprenticeships, particularly, we need to shift the focus towards a higher level of achievement, towards level 3 rather than level 2 qualifications, and we want to make it more appealing to small and medium-sized enterprises to take on apprentices. We also want there to be support for pre-apprenticeship training. In the present circumstances, we want to focus pre-apprenticeship funding on young people who have been on jobseeker's allowance for six months or more.

We welcome such changes as have been made by the Government as fit in with our plans, but we feel that far more needs to be done and that they have failed to provide young people with the help they need. It was we Conservatives—the hon. Member for Northavon, the Liberal Democrat spokesman, will remember this—who argued that help should be made available for young people at the six-month point of their claim, rather than leaving them until 10 months. We noticed that in the White Paper, the Government have come to accept six months as the right point and have changed their plans, but they need to go far further than that. Far more needs to be done.

There was evidence that we were not doing well enough before the recession struck. Certainly now, in our present straitened circumstances, with youth unemployment on the scale it is and with young people facing the challenges and stresses that they do today, we need to do far more than is being done under the present Government. We went into this recession without being sufficiently well prepared for it and we have to see the Government's future promises in that light.

We are clear that if young people are to fulfil their potential—we agree that they have tremendous potential—far more needs to be done. We cannot afford the individual and collective waste that would result from failure to properly and effectively help young people who are trying to start their working lives in the present difficult circumstances. The present Government's policies are tied to the failures of the past and have not worked sufficiently well. We need much more new thinking if we are to help our young people realise their potential in future.

3.42 pm

The Minister for Employment and Welfare Reform (Jim Knight): With the leave of the House, I shall respond to the debate.

We have had an interesting, if intimate, debate between three of us about an important subject. I enjoyed the other contributions, which were characteristic of both the hon. Members who made them. The hon. Member for Northavon (Steve Webb) gave an interesting speech containing many points with which I agree and I shall go into them in a little detail as there appears to be a bit of time to do so. The hon. Member for Hertsmere (Mr. Clappison) gave a coherent criticism of what was going on, without really offering any policies at all.

It is important that we intervene early. That is why in April we changed policy so that if there is evidence that young people who start claiming at 18 have been NEET for six months previously, they are fast-tracked to what would normally be the six-month point in the claim. There is a clear reason why we should take action much sooner when someone is at high risk of moving into long-term claimant unemployment. Six months is the point at which people go into the gateway for the new deal, which is even more relevant now that we have moved, as both hon. Members said, from 10 months to six months for the young persons' guarantee.

The hon. Member for Northavon mentioned what in jargon terms people call segmentation: being able to do some analysis of individuals as they come through the door to work out the likelihood of them becoming longer-term unemployed, so that provision can be accelerated or so that the rewards to providers of getting them into sustained employment outcomes can be priced differently. There is a logic to that.

I will talk through some of the measures in the White Paper, because I held a few things back from my opening remarks on the new measures for young people that we have included in it. We talk in the White Paper about the importance of considering how we develop segmentation tools. I do not advocate going as far as Australia has: from day one it uses a segmentation analytical tool to send people straight into the private sector, externalising the provision and support so that there is no state-run equivalent to Jobcentre Plus. That is too early in a claim, when there is a lot of vulnerability, because that tool has some problems in dealing with individuals and their different needs. In the White Paper we discussed combining the use of that sort of tool with the learned experience of working with an individual through our personal advisers in Jobcentre Plus—seeing whether we can combine objective and subjective measures to come up with something more accurate. That would happen in the context of introducing more flexibility in Jobcentre Plus.

When I came into this job last summer, I was surprised by the disproportionate amount of debate about the use of providers. In terms of the work it does, and considering that it deals with 90 per cent. of jobseekers, Jobcentre Plus does not get anything like 90 per cent. of the attention compared with the provider sector, which deals with 10 per cent., although admittedly that 10 per cent. is harder to help.

I wanted to be able to introduce more flexibility in Jobcentre Plus and to learn not only from experience internationally, but from our private providers, and I want to give some of that to people. The hon. Member for Northavon knows that the Jobcentre Plus district that he represents in Gloucestershire will be one of the pilot areas for flexibility for Jobcentre Plus. Our managerial staff will be able to use much more flexibility to do what works on the ground to get people back in, as long as they do not veer away from the fortnightly sign-on. If that means bringing forward provision in the ways he has mentioned, that is what they will do if they are confident enough that they can get the outcomes in exchange.

In the family intervention projects that the Government are pursuing, we identify those who have the most chaotic lives in our communities—where family members might be responsible for much of the crime in a community, and unemployment and truancy might be significant problems. We focus on those families to provide much more intensive, holistic support to help them get back to doing some of the right things, thereby reducing the problems they cause our communities, but, importantly, giving them a much better opportunity to get on.

In the White Paper, "Building Britain's Recovery: Achieving Full Employment", which we published last month, not only did we set out in the final chapter the vision for Jobcentre Plus and some of the changes that we want to make in the delivery, but we set out new provisions for young people. We shall bring forward the young person's guarantee for 18 to 24-year-olds to six months. There will be 100,000 Government-funded additional training, internships, work experience and job opportunities on top of the 300,000 we have already pledged for the next 18 months, to help us deliver that guarantee. There will be access to a dedicated, named personal adviser from day one of the jobseeker's allowance claim for young people, with the ability for them to fast-track to the support available from six months if they think that is appropriate, which is along the lines the hon. Member for Northavon set out.

There will be Jobcentre Plus support for 16 to 17-year-olds to help them access apprenticeships or jobs with training in addition to the normal support from Connexions, thereby giving a much closer relationship with the Connexions service, which some criticise for signposting people into education more readily than into employment—there will be more of an employment focus in its work. There will be a graduate guarantee so that all those who graduated last year and are still unemployed after six months will have access to one of the internship, training or self-employment places. There will also be a new subsidy of £2,500 for up to 5,000 employers to offer new apprenticeship places for 16 to 17-year-olds, which shows that we are listening to what the CBI has asked us to do in respect of encouraging apprenticeships for younger people.

I have much sympathy with what the hon. Member for Northavon says about early intervention, and we are coming forward with the appropriate policies. Self-employment will be a way out of the recession for people. Bringing the self-employment credit to three months will work for all people, not just young people, and will be another part of that help. The individual skills accounts and the skills pot will also help to further the integration of employment and skills, as set out in the White Paper.

The hon. Gentleman mentioned education. The link between poverty and education outcomes could be the subject of a three-hour debate. Clearly there is a link, and as all Members would expect, I looked at it in some detail as Schools Minister. I also looked at the effect of the funding arrangements that we introduced. Since 1997, we have substantially increased the revenue funding for schools—by well over 50 per cent. When comparing local authorities that have higher levels of deprivation and disadvantage with those that have lower levels, it is interesting to see that the gap in educational outcomes has narrowed significantly. Funding went disproportionately to local authorities with higher levels of deprivation, and that measure has worked well.

At school level, the gap has also narrowed significantly, according to the various quartiles. At pupil level, however, the gap has not shifted so much—although it has shifted a little—so it might be tempting to rush to the "pupil premium" or a funding formula that focuses simply on the individual pupil. As the House knows, we have gone through a process. The consultation period is closed, and consideration is now being given to the new funding formula that will kick in for a three-year period starting in April 2011. That formula is being considered, and the intention is to find ways of measuring deprivation at a more fine-grained level. If the gap has narrowed at

[Jim Knight]

school level but not at pupil level, we must ask whether the measures that the hon. Gentleman mentioned regarding school level would be the whole answer.

During my period as Schools Minister, I concluded that the biggest single determinant of a child's success in school is the involvement of their parents in their education. That is why there is such a strong link between poverty and educational outcomes. How do we raise the aspirations of parents and make them confident to help their children with their homework? If parents had a poor experience in school, how do we break that cycle of low educational achievement? That is one of the reasons why I introduced measures to improve parental engagement in schools through better reporting to parents, extended school activities that include more engagement with parents, and opportunities for parents to improve their learning through schools. There were also area-level aspiration-raising measures such as the Black Country challenge and the Manchester challenge, which built on the success of the London challenge. From the woeful state they were in some time ago, London schools—and London pupils—now outperform the national average.

Last year, or the year before, more than 70 Education Ministers were in London. It was the equivalent of this week, when Education Ministers are in London for the BETT fair in education technology, in which this country takes a global lead. A couple of years ago we took those Ministers on study visits to schools in Tower Hamlets. In 1997, no Government would have taken visiting Ministers anywhere near schools in Tower Hamlets. It is a demonstration of the success of the London challenge that schools are doing so well in Tower Hamlets, the most deprived education authority anywhere in the country.

We agree that one-to-one tuition is one of the ways we can get at individual pupils and their aspirations, and try to help them achieve their full potential. When the GCSE figures were announced yesterday, I was pleased to see that the number of young people getting five A* to C grades at GCSE, had moved from around a third, to just shy of half—49.5 per cent. That is considerable progress, but clearly there is more to be done.

The hon. Gentleman talked about the power of the Government as an employer through their procurement policies. I strongly agree. One of the reasons why we brought forward the fiscal stimulus in response to the recession was so that we could use Government investment to help save jobs and, where possible, to create them. Building Schools for the Future, for example, as managed by Partnership for Schools, insists that contractors agree to new apprenticeships as part of the deal. We are extending that approach across Government, because one of our three priorities in procurement policies is to protect skills and jobs, as well as creating new jobs.

As the hon. Gentleman knows, schemes such as Warm Front, managed by the Department for Environment, Food and Rural Affairs, helped insulate the homes of vulnerable people on lower incomes. There is the new boiler scrappage scheme, Building Schools for the Future, and new hospitals and roads. All those things benefit from the investment that we are putting in, which would be cut under Conservative plans, and have all been important in creating jobs. The building of the wonderful new Weymouth relief road has created 300 jobs, and I am pleased that at least 100 of them are local jobs. In my constituency of South Dorset, we have five new schools and four new children's centres. Recently, there have been three major lottery bids, two new roads and, of course, the Olympics will be coming to Portland. All those things have brought significant new jobs for my constituents.

The hon. Gentleman mentioned the structure of the programmes, and in an intervention I pointed out the importance of the personalised employment programme as our way of testing the accelerator funding model. We are also piloting invest to save, so that we can proceed on the basis of an understanding of risk that is shared between us and our contractors, and gets the best possible price and outcomes. There are reasons for piloting the accelerator funding model. If we are to use segmentation, for example, we must understand how well segmentation tools will work. If we price according to the distance that someone is from the labour market—to use the jargon—we must understand how accurately we will be able to predict that distance.

Steve Webb: I am grateful to the Minister and appreciate his going though the arguments carefully and responding thoughtfully. In a sense, the accelerator model that I described does not require us to segment, because the providers will do it for us. They know that they will not get much money for the first person they get back, so they have an incentive to work their way through. In a way, we do not have to guess; the incentives are right and will have the outcome we want.

Jim Knight: I accept that, and the accelerator model we would use would do the same. However, it remains the case that one must understand enough to work out how to price the various volumes as they mount up. One needs to understand the state of the labour market at the time and how to anticipate changes, which would affect how the pricing was varied. All sorts of variables and risk are attached, and we would need to test them carefully. As I said earlier, the market will not do that, or if it does, it will be at great cost.

I am concerned about the Conservative proposals to rush to implement invest to save because there is a risk to the taxpayer. Our invest to save pilot will start in, I think, four areas. We shall consider those who are on incapacity benefit and how we use the invest to save model for contractors in those four areas initially. If we were to go national, the challenge of correctly predicting how many would come in would put at risk £20 billion-worth of benefit. Ultimately, invest to save takes something that is demand led—benefit payments—and transfers that money to something in which we try to predict the effect. A lot of risk is attached to that, and it would be irresponsible to go ahead without testing it properly first, because ultimately we might have to pay out twice, which would break the bank of the Department, the provider, or both.

The hon. Member for Northavon talked about supply chain management in the flexible new deal. I was talking about that just today to the British Trust for Conservation Volunteers, as one of the medium-scale providers. I meet voluntary sector representatives regularly, both individually and at times collectively, to discuss how they are doing with the flexible new deal as part of the supply chain, because the hon. Gentleman is right to identify the niche capability and the importance of the niche capability in some of those smaller providers.

We have a pre-procurement dialogue with our prime contractors about how their supply chain will work. We have a code of practice for that part of the contract, about how that supply chain operates. We are introducing something called the Merlin standard, which we are agreeing with both the prime providers and the smaller providers and which they are collectively agreeing among themselves as a form of voluntary regulation, further to improve that relationship. I think that is regarded by the third sector as probably the best example across Whitehall of trying to get the supply chain relationship right for the smaller providers. I reassure the hon. Gentleman that we are mindful of the need to continue to work to get that right.

I was disappointed that the hon. Member for Hertsmere did not instantly want to sign up to the Backing Young Britain campaign. Perhaps he will want to have a look at the website and see whether he can do that. He wanted me to be more consistent in answering the question about how bad the situation is for young people. Clearly, this recession and the increase in unemployment during it are bad for young people. I am in no way complacent about the scale of the challenge that they face and that we need to address in government to protect them from the worst effects of recession.

However, what I have been saying is that the situation is considerably better than it was in previous recessions and considerably better than the predictions that independent forecasters made at the time of the Budget in April or at the turn of the year. All the signs are that active government works; the Government working on the side of people, alongside people, is effective. I reiterate that the percentage of young people who are unemployed—excluding those who are in full-time education and are therefore active, but in a different way—is currently 10 per cent. In the recession of the 1990s it was 12 per cent. and in the recession of the '80s it was 13 per cent. We can also look internationally. I reiterate that we are below the EU average in respect of unemployment.

People may want to consider the statistics for long-term claimant unemployment among 18 to 24-year-olds—those unemployed for more than six months. Currently, the figure is 108,800, in 1997 it was 169,000, in 1993 it was 415,000—nearly four times higher—and in 1985 it was 600,000, which was more than five times higher. We can consider that in percentage terms. Currently, 21.9 per cent. of 18 to 24-year-old claimants are unemployed for six months plus. In 1997, it was 42 per cent., in 1993 it was 51 per cent. and in 1985 it was 57 per cent. We have a good record. I have just been referring to unemployment of six months. Often, we consider long-term unemployment to be unemployment of 12 months, but I do not have those statistics before me. Those are all signs of the effectiveness of the Government interventions during this recession, which many independent commentators and academics acknowledge are working.

Mr. Clappison: The Minister went through those last statistics at rather a gallop. Do the statistics that he has cited about long-term unemployment include those who have come off the new deal—who are at the end of the new deal—and who have then been classified as a new claim? Is that being taken into account? Are those people being removed from the long-term unemployment figures?

Jim Knight: I have said that I will drop the hon. Gentleman a line on the new deal and those coming into and around it. I discussed it with officials just a few weeks ago, so I am happy to drop him a line about it, as I said earlier.

The hon. Gentleman talked about six-month support, and he is right to say that we have brought forward our support for young people and our young persons guarantee to six months. I compare that with the Opposition's support at six months, which is to refer them into a Government programme in effect—to providers. He does not support the real jobs that are a live part of the young person's guarantee. He does not support the funding for the future jobs fund, creating at least 120,000 new jobs for young people. That is probably for the reasons discussed by the hon. Member for Northavon: ideologically, the Conservatives are against that kind of thing. I do not know whether the hon. Member for Hertsmere supports the routes into work to create tens of thousands of jobs through a pre-employment training route into sectors such as care, hospitality and retail.

I was surprised that there was no mention of or response to the charge from independent economists and forecasters such as Professor Blanchflower that unemployment would double if the policies of the hon. Member for Tatton (Mr. Osborne) were allowed to have their way. The hon. Member for Northavon talked about the Conservatives being ideologically opposed to thinking about the role of Government in any of this, in terms of being positive about creating jobs, but the hon. Member for Tatton is not addressing the consequences of rushing to tackle Government debt and Government deficit and wanting to do that much faster than we are seeking to do it. If he does it in such a way that all the investment that we have been talking about today is turned off, there would be a significant unemployment effect, as predicted by economists. It simply makes no sense. We cannot turn off the tap on public sector employment without private sector employment growing. There is no sense in that in economic terms whatever.

In our own way, we have had a good debate this afternoon. It has shown some of the consensus and some of the difference between us as parties. There was also some good technical discussion, thanks to the hon. Member for Northavon. I look forward to continuing the debate, at least for the next few months, in the run-up to any general election—well, the general election that will inevitably be called sooner or later. I am sure that the issue of young people in the recession, because it is so crucial, will play an important part in that debate.

Question put and agreed to.

4.8 pm

Sitting adjourned.